



## Main Case File

**Item:**

**Date:**

[illegible]



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
OFFICE OF THE INSPECTOR GENERAL  
OFFICE OF INVESTIGATIONS

September 23, 2013

MEMORANDUM

SUBJECT: BRENNER, ROBERT D.  
Case No. OC-KA-2011-CFR-1258

FROM: [REDACTED]  
Special Agent in Charge  
Office of Professional Responsibility

TO: Patrick F. Sullivan  
Assistant Inspector General  
for Investigations

The above subject investigation was officially closed on March 19, 2013.

Pursuant to OI Procedural Guidance, OI-06 Sections 4-2 and 4-3, we are forwarding all original case-related documents to you for inclusion in the official investigative file.

If you have any questions, please do not hesitate to call me at (202) [REDACTED]

Attachment(s):

1. Case File OC-KA-2011-CFR-1258



Monday, September 09, 2013  
[Help](#) | [Search](#) | [Exit](#) | [Personal Info](#) [REDACTED]

[back](#)

[Home](#) > [Case](#) > Inv Plan

- [Initiation](#)
- [Inv Plan](#)
- [Leads](#)
- [Indiv/Inst](#)
  - [Staff](#)
- [Violations](#)
- [Rel Cases](#)
- [Regions](#)
- [Documents](#)
  - [Referrals](#)
  - [ROI](#)
  - [Alert](#)
  - [Criminal](#)
    - [Civil](#)
    - [Admin](#)
- [Tech/Support](#)
- [Evidence](#)
- [It Agency](#)
  - [Photos](#)
  - [Chron Log](#)
- [Case Review](#)
  - [Close](#)
  - [Summary](#)
  - [QAR](#)

[Home](#)  
[Initiate Complaint/PI](#)  
[Initiate Case](#)  
[Briefing/Liaisons](#)  
[Lead Calendar](#)  
[Reports](#)  
[Duty Agent Schedule](#)  
[Administration](#)  
[Log-in as](#)

Title: EPA HQ/OAR - DIRECTOR/OPAR - ROBERT D. BRENNER Number: OC-KA-2011-CFR-1258  
Assigned Agent: [REDACTED] Status: Closed

#### Investigative Plan

#### Case Information

Case Title	EPA HQ/OAR - DIRECTOR/OPAR - ROBERT D. BRENNER		
Case Number	OC-KA-2011-CFR-1258	Initiation Date	12/08/2010
Type of Case	Investigation		
Case Agent	[REDACTED]	Supervisor	MICHAEL DAGGETT
Case Category	Employee Integrity		
EPA Nexus	EPA OIG has jurisdiction in allegations involving criminal wrong doing by EPA employees.		
Potential Impact	EPA employees have a responsibility to adhere to ethical principles above private gain.		
Region	Region 3 (DC)		
Qui TAM	Yes No	Grand Jury	Yes No

#### Violations

Violation	Type
Bribery/Gratuities - EPA Employee	Primary

#### Allegation

Jurisdiction	Allegation	Proven
Federal	Brenner allegedly received an \$8,000 discount on a new car purchase from the Daimler Corporation not available to the public.	

#### Planned Investigative Steps

Step	Assignee	Planned Complete Date	Completed
Computer Forensics- Obtain Brenner's Lotus Notes e-mails and conduct key word analysis.	[REDACTED]	12/17/2010	Yes
Subpoena, GJ - Coordinating sending subpoena to	[REDACTED]		

Mercedes Benz with OC	[REDACTED]	11/30/2012	No	3
Other- Obtain ethics training certificate	[REDACTED]	02/26/2011	Yes	3

## Interviews

Name	Witness/Subject	Position	Assignee	Planned Complete Date	Completed	
Robert D. Brenner	Subject	Director, Office of Policy Analysis and review	[REDACTED]	12/15/2010	Yes	3
Gina McCarthy	Witness	AA Air and Radiation	[REDACTED]	01/20/2011	Yes	3
[REDACTED]	Witness	[REDACTED]	[REDACTED]	01/19/2011	Yes	3
[REDACTED]	Witness	[REDACTED]	[REDACTED]	01/20/2011	Yes	3
[REDACTED]	Witness	[REDACTED]	[REDACTED]	01/20/2011	Yes	3
[REDACTED]	Witness	[REDACTED]	[REDACTED]	01/20/2011	Yes	3
[REDACTED]	Witness	[REDACTED]	[REDACTED]	01/20/2011	Yes	3
[REDACTED]	Witness	[REDACTED]	[REDACTED]	01/20/2011	Yes	3
[REDACTED]	Witness	[REDACTED]	[REDACTED]	01/20/2011	Yes	3
[REDACTED]	Witness	[REDACTED]	[REDACTED]	02/25/2011	Yes	3
[REDACTED]	Witness	[REDACTED]	[REDACTED]	06/30/2011	Yes	3
[REDACTED]	Witness	[REDACTED]	[REDACTED]	05/26/2011	Yes	3

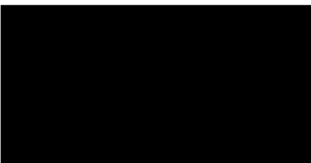
Login time: 09/09/13 08:41 AM  
Time active: 2 hrs 39 mins



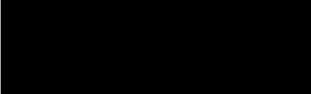
OFFICE OF INSPECTOR GENERAL  
OFFICE OF INVESTIGATIONS

CASE CLOSING CHECKLIST

- ☒ Return Third Party Evidence *N/A*
- ☒ Original Evidence Custody Forms
- ☒ Original Status Reports
- ☒ Original ICS and Case Plan
- ☒ Original Reports of Investigation
- ☒ Original Case Correspondence (memos, e-mail, etc.)
- ☒ Original Interviews or 2720-15s
- ☒ Original Video/Audio Tape *N/A*
- ☒ Original Statements
- ☒ Copy of Company Files (returned to 3<sup>rd</sup> parties) *N/A*
- ☒ Agent Notes
- ☒ Original Subpoenas *N/A*
- ☒ Original Photographs *N/A*
- ☐ Original Closing Memorandum from AIGI
- ☒ SAC Memorandum Forwarding Case Related Material

Agent:  \_\_\_\_\_

Desk Officer: \_\_\_\_\_

SAC:  \_\_\_\_\_

Director: \_\_\_\_\_



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
**OFFICE OF INSPECTOR GENERAL**  
901 N. 5<sup>TH</sup> STREET, MAILCODE OIG  
KANSAS CITY, KS 66101

**CASE #:** OC-KA-2011-CFR-1258

**CROSS REFERENCE #:** COMP-2011-38

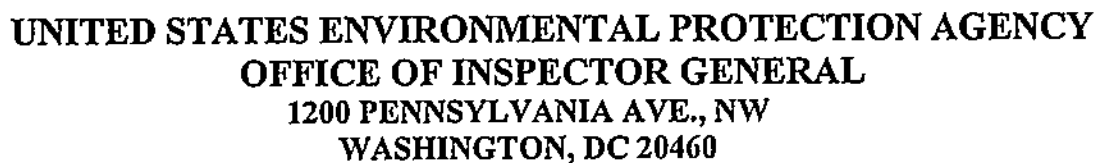
**TITLE:** BRENNER, ROBERT D.

**CASE AGENT (if different from prepared by):** [REDACTED]

**CASE INITIATION**

<b>Subject(s)</b>	<b>Location</b>	<b>Other Data</b>
BRENNER, ROBERT D.	Office of Policy Analysis and Review; Office of Air and Radiation, Washington, DC	

On December 7, 2010, Department of Justice (DOJ) Trial Attorneys JOHN PEARSON, Public Integrity Unit (PIU), DOJ, Washington, DC (202) 307-2281 and NICHOLAS ACKER, PIU, DOJ, Washington, DC (202) 616-8802 reported that EPA employee, ROBERT D. BRENNER, Director, Office of Policy Analysis and Review, Office of Air and Radiation, Washington, DC, allegedly received an \$8,000 discount on a new car purchase from the Daimler Chrysler Corporation not available to the public. Additional information contained within the referral was that a Daimler employee reported to internal investigators that he conducted an act he considered contrary to company compliance concerning providing a corporate discount to BRENNER for the purchase of a vehicle at the request of an external counsel, [REDACTED] Washington, DC.



## Actions

**Item:**

**Date:**

**RESTRICTED  
INFORMATION**



**U.S. Department of Justice**

**Criminal Division**

---

*Washington, D.C. 20530*

FEB 03 2012

Special Agent [REDACTED]  
EPA Office of Inspector General  
901 N. Fifth Street  
Kansas City, Kansas 66101

Dear Mr. [REDACTED]:

This letter is to inform you that the Public Integrity Section has declined prosecution of Robert D. Brenner and [REDACTED] Daimler AG referred to the Department of Justice allegations that Brenner, a senior EPA employee, may have accepted an illegal gratuity from [REDACTED], an attorney who represented Daimler and its subsidiary, Mercedes Benz USA. This letter will confirm that we have concluded that the initiation of criminal proceedings in this matter is not warranted. I understand that your office concurs with this decision.

Please contact Trial Attorney John Pearson at (202) 514-1412 if you have any questions.

Sincerely,

Jack Smith  
Chief  
Public Integrity Section



Re: OIG request

to: [REDACTED]

02/22/2012 02:42 PM

Mr. Brenner's official retirement date was effective 8/13/2011.

"Shining My Light Through Service With Care"

[REDACTED]  
OHROS/OARM

Ariel Rios North/Room 5358  
1200 Pennsylvania Avenue N.W.  
Washington, DC 20460-0001  
Mail Code: 3606-A

Phone: [REDACTED]

Fax: (202) 564-9612

Information contained in this message may be subject to the Privacy Act (5 USC 552a) and should be treated accordingly.

[REDACTED] Hello [REDACTED] After being referred to y...

02/22/2012 02:05:25 PM

From: [REDACTED]

To: [REDACTED] DC/USEPA/US@EPA, [REDACTED] DC/USEPA/US@EPA

Date: 02/22/2012 02:05 PM

Subject: OIG request

Hello [REDACTED]

After being referred to you by Team Vegas, please provide me the information pertaining to my request below:

Thank you,

[REDACTED]  
This e-mail will serve as an official request to confirm the following:

Please confirm the retirement, or effective date of retirement, for EPA Employee Robert D. BRENNER, Director of Policy and Analysis, Office of Air and Radiation, Washington, DC. If a retirement date is pending, please provide the effective date proposed.

*This name and request is not to be disclosed to anyone, except your immediate supervisor within your Unit, if necessary. Please do not disclose that you have been requested by representatives of the OIG to provide information concerning this individual. Please do not construe that this individual is under any type of investigation.*

This request is not intended to circumvent any procedures already in place in order to satisfy this request. If you have any questions, concerns, or obstacles in fulfilling this request, please do not hesitate to contact

me at either telephone contact numbers listed below.

If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify me immediately by replying to this message and deleting it, and all copies and backups thereof.

[REDACTED]  
Special Agent  
EPA Office of Inspector General  
Office of Counsel;  
Oversight, and Special Review  
901 N. Fifth Street  
Kansas City, Kansas 66101  
Work [REDACTED]  
Cell [REDACTED]  
Fax [REDACTED]

EPA/OIG Hotline  
(1-800) 546-8740 or <http://www.epa.gov/oig/ombudsman-hotline/how2file.htm>  
EPA/OIG Hotline fax number: 202-566-1610

----- Forwarded by [REDACTED] on 02/22/2012 01:02 PM -----

From: [REDACTED] LV/USEPA/US  
To: [REDACTED]  
Cc: [REDACTED] LV/USEPA/US@EPA, [REDACTED] DC/USEPA/US@EPA, [REDACTED]  
[REDACTED] DC/USEPA/US@EPA  
Date: 02/22/2012 12:28 PM  
Subject: Re: OIG request

---

Hello [REDACTED]  
Mr. Brenner was a Senior Executive Service (SES) employee and serviced by the Executive Resources Board (ERB). Any further information should be obtained by that office. Your POCs for ERB are:

[REDACTED]  
  
Hope this helps!

[REDACTED]  
Human Resources Management Division – Las Vegas  
4220 S. Maryland Parkway  
Building A, Suite 100-A  
Las Vegas, NV 89119-7528  
[REDACTED]

The information transmitted is intended only for the person or entity to which it is addressed and may contain confidential and/or privileged material. Any review, re-transmission, dissemination or other use of, or taking of any action in reliance upon, this information by persons or entities other than the intended recipient is prohibited. If you receive this in error, please contact the sender and delete the material from the computer.

[REDACTED] Hello [REDACTED], This e-mail will...

02/16/2012 09:59:18 AM



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
OFFICE OF INSPECTOR GENERAL  
1200 PENNSYLVANIA AVE., NW  
WASHINGTON, DC 20460**

**SECTION 3**

**Interviews**

**Case Number: OC-KA-2011-CFR-1258**

**Item:**

**Date:**

MOA Direction from AIGI to Initiate Review of OAR IOAA	8/14/2012
MOA OAR Interviews	2/5/2013
MOI McCarthy	9/7/2011
Other Document FD-302 [REDACTED]	9/12/2011
MOA Document Review of Emails	7/21/2011
MOI McCarthy	7/12/2011
MOA Document (email) review	6/24/2011
MOI [REDACTED]	5/26/2011
MOA Daimler EAPP document Review	5/25/2011
MOI [REDACTED]	2/23/2011
MOI McCabe; Craig	1/19/2011
MOI [REDACTED]	1/20/2011
MOI [REDACTED]	1/19/2011
MOI McCarthy	1/20/2011
MOA [REDACTED]	1/19/2011
MOA Image of Brenner's Hard Drive	12/29/2010
MOA Lotus Notes Review	12/14/2010
MOI Brenner	12/15/2010
MOA Document Review	12/7/2010

**RESTRICTED  
INFORMATION**

Page

This report is the property of the Office of Investigations and is loaned to your agency; it and its contents may not be reproduced without written permission. The report is FOR OFFICIAL USE ONLY and its disclosure to unauthorized persons is prohibited. Public availability to be determined under 5 U.S.C. 552.





**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
**OFFICE OF INSPECTOR GENERAL**  
1301 CONSTITUTION AVENUE NW  
EPA WEST ROOM 3428  
WASHINGTON, DC 20004

**CASE:** OC-KA-2011-CFR-1258

**CROSS REFERENCE #:**

**TITLE:** DIRECTOR/OPAR-ROBERT BRENNER

**CASE AGENT (if different from prepared by):** [REDACTED]

**MEMORANDUM OF ACTIVITY**

On or about August 14, 2012, the Reporting Agent received direction from the Assistant Inspector General for Investigations to initiate a review of Environmental Protection Agency (EPA) employees, GS-14 and above, within the Office of Air and Radiation's (OAR's) Immediate Office of the Assistant Administrator. This was the office, prior to his retirement, of Robert D. Brenner<sup>1</sup>, Director, Office of Policy Analysis and Review, OAR EPA. The specific purpose of this review was to determine if, besides Brenner, any other high level employees within this OAR office had received non-public discounts on new Mercedes Benz automobiles.

The Reporting Agent coordinated with the Deputy Assistant Inspector General for Investigations, Office of Professional Responsibility, to fashion the scope of the investigatory actions to be taken in order to complete the review. These actions included determining the individuals within OAR to be interviewed as well drafting an IG subpoena.

**Attachments:**

None.

<sup>1</sup> On December 7, 2010, trial attorneys from the Department of Justice (DOJ), Public Integrity Unit (PIU) reported to the Environmental Protection Agency (EPA) Office of Inspector General (OIG) that Robert D. Brenner, Director, Office of Policy Analysis and Review, Office of Air and Radiation (OAR), EPA, Washington, DC, who had since retired, allegedly received an \$8,000 discount, which was not available to the general public, on the purchase of a new Mercedes-Benz from the Daimler AG Corporation.



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
OFFICE OF INSPECTOR GENERAL**

1301 CONSTITUTION AVENUE NW

EPA WEST ROOM 3428

WASHINGTON, DC 2004

**MEMORANDUM OF INTERVIEW**

Interview Date(s):	DECEMBER 10, 2012 TO JANUARY 16, 2013
Case Name:	BRENNER, ROBERT D
Case Number:	OC-KA-2011-CFR-1258
Interviewee(s):	MULTIPLE (SEE BELOW)
Interview Location:	1200 PENNSYLVANIA AVE., NW ROOM 5420 WASHINGTON, DC 20460
Interviewed By:	[REDACTED]
Witness:	N/A

From December 10, 2012 through January 16, 2013, Special Agent (SA) [REDACTED] Office Professional Responsibility (OPR), Office of Investigations (OI), Office of Inspector General (OIG), U.S. Environmental Protection Agency (EPA); Special Agent in Charge (SAC) [REDACTED] OI, OIG, EPA; [REDACTED] OPR, OI, OIG, EPA; SA [REDACTED] Washington Field Office (WFO), OI, OIG, EPA; SA [REDACTED] WFO, OI, OIG, EPA; SA [REDACTED] WFO, OI, OIG, EPA, and SA [REDACTED] WFO, OI, OIG, EPA, conducted interviews of the following EPA employees, who work within the Office of Air and Radiation (OAR). All of the EPA OAR employees, who were interviewed, were provided Kalkine administrative warnings, which they signed. Further, the EPA OAR employees were provided a voluntary non-disclosure form to review, which many chose to sign [Attachments 1, 2]. The following forty-three EPA OAR employees were interviewed:

OAR EPA EMPLOYEES INTERVIEWED		
INTERVIEW DATE	NAME	POSITION
12/11/12	Regina McCarthy	Assistant Administrator
12/10/12	Janet McCabe	Principal Deputy Assistant Administrator
12/10/12	[REDACTED]	Associate Assistant Administrator
12/10/12	[REDACTED]	Acting Deputy Assistant Administrator
12/11/12	[REDACTED]	Senior Counsel

**RESTRICTED INFORMATION**

This report is the property of the Office of Investigations and is loaned to your agency; it and its contents may not be reproduced without written permission. The report is FOR OFFICIAL USE ONLY and its disclosure to unauthorized persons is prohibited. Public availability to be determined under 5 U.S.C. 552.

12/13/12		
12/13/12		
12/11/12		
12/10/12		
12/13/12		
12/11/12		
12/12/12		
12/12/12		
12/11/12		
12/11/12		
12/11/12		
12/11/12		
12/11/12		
12/11/12		
12/11/12		
12/12/12		
12/12/12		
12/12/12		
12/11/12		
12/11/12		
12/12/12		
12/11/12		
12/12/12		
12/11/12		
12/12/12		
12/11/12		
12/12/12		
12/17/12		
12/11/12		
12/12/12		
12/11/12		
12/12/12		
12/11/12		
12/12/12		
12/17/12		
12/17/12		
12/17/12		

12/17/12			
1/14/13			
1/16/13			

## QUESTIONS AND RESPONSES:

The SAs individually interviewed all of the foregoing EPA OAR employees. The EPA OAR employees were asked the same five questions and they provided, collectively, the same substantive responses. The specific questions and responses are as follows:

The EPA OAR employees were asked if anyone had ever approached them about receiving gifts, discounts, or rebates of any kind for work related to their EPA position. The EPA OAR employees' collective substantive response was negative.

The EPA OAR employees were asked if they (or any family member, relative, friend) had ever accepted gifts, discounts, rebates of any kind from any entity with a nexus to their EPA positions. The EPA OAR employees' collective substantive response was negative.

The EPA OAR employees were asked whether they (or their family or friends) had received any gifts, discounts, or rebates of any kind from the Daimler AG Corporation or any of its subsidiaries, i.e., Mercedes Benz. The EPA OAR employees' collective substantive response was negative.

The EPA OAR employees were asked whether they knew of any EPA employees who received gifts, for what they believed to be, from corporations with activities related to any EPA employees' official duties. The EPA OAR employees' collective substantive response was negative.

The SAs asked the EPA OAR employees whether they knew of any EPA employees who had received discounts, rebates, or gifts, for new automobiles from Daimler AG, i.e. Mercedes Benz. The EPA OAR employees' collective substantive response was negative.

### Attachments:

1. Signed Administrative Warnings for EPA OAR employees, case OC-KA-2011-CFR-1258.
2. Signed Non-Disclosure Forms for EPA OAR employees, case OC-KA-2011-CFR-1258.

**Attachments:**

1. Signed Administrative Warnings for all EPA OAR employees who were interviewed by the EPA OIG regarding case OC-KA-2011-CFR-1258.

Administrative  
Warnings - OC KA 20

2. Signed Non-Disclosure Forms for EPA OAR employees, case OC-KA-2011-CFR-1258.

Non Disclosure  
OC-KA 2011 CFR 125

1





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
OFFICE OF INSPECTOR GENERAL  
901 N. 5<sup>TH</sup> STREET  
KANSAS CITY, KS 66101

MEMORANDUM OF INTERVIEW

Interview Date:	September 7, 2011
Case Name:	EPA HQ/OAR - DIRECTOR/OPAR - ROBERT D. BRENNER (Confidential)
Case Number:	OC-KA-2011-CFR-1258
Interviewee:	McCARTHY, REGINA A.
Interview Location:	Washington, D.C.
Interviewed By:	[REDACTED]
Witnesses:	N/A

On September 7, 2011, the Reporting Agent interviewed EPA employee REGINA A. McCARTHY, Assistant Administrator, Office of Air and Radiation (OAR), 1200 Pennsylvania Avenue NW, Washington, DC (202) 564-7404. The interview was conducted in McCARTHY's conference room, #5402, located in the EPA Ariel Rios North building, Washington, DC. Assisting the Reporting Agent was [REDACTED] Special Agent, Federal Bureau of Investigation. The purpose for the interview, which had been explained to McCARTHY, was to hear her assessment of pertinent Lotus Notes emails obtained from the EPA account of EPA subordinate employee ROBERT D. BRENNER, Director, Office of Policy Analysis and Review (OPAR). The identities of [REDACTED] and the Reporting Agent were already known to McCARTHY from previous interviews. The emails that were reviewed with McCARTHY essentially contained the following information:

The emails were exchanges between BRENNER and other individuals, which include but are not limited to: [REDACTED]

[REDACTED] and, [REDACTED], Washington, DC. McCARTHY provided her assessment of the following emails:

Refer to Agency [REDACTED]

McCARTHY said non-greenhouse gas emissions were a legitimate topic concerning utility legislation during that period in which BRENNER was often contacted by others to discuss.

RESTRICTED INFORMATION

Refer to Agency

McCARTHY said her office was engaged in lowering greenhouse gas footprints by becoming heavily involved with programs such as Energy Star/Illuminate Showcase. As such, McCARTHY said it was not unusual to receive leads such as the one [REDACTED] was providing in order to assist cities with efforts to lower greenhouse gas footprints.

Refer to Agency

McCARTHY said the topic matter was within the purview of BRENNER's office. McCARTHY said it was not unusual for BRENNER to be included in this type of technological development opportunity.

Refer to agency

McCARTHY said it was not unusual for BRENNER to be called as a technical consultant to discuss the topic matters listed above. McCARTHY said she encouraged her offices to be transparent and to discuss environmental issues openly with other interested parties. McCARTHY said she knows [REDACTED] as a lobbyist adding that McCARTHY's office does not discriminate in discussing issues with lobbyists or even other persons unknown. McCARTHY said she cautions her office not to speak casually with unknown parties. McCARTHY said she discussed the topic matters listed above with BRENNER during a timeframe when the regulatory process was in progress.

Refer to agency

McCARTHY said the meeting request was a legitimate and timely topic to discuss with [REDACTED]

At that point, the Reporting Agent combined the remaining three emails exchanged between [REDACTED] and BRENNER that discussed various topics such as proposed rules for flares, rumors about health compliance alternatives and gas emission regulatory monitoring. McCARTHY reviewed the emails and said there was nothing in the emails that could be considered as unusual. Regarding rumors, McCARTHY said she encouraged her staff to listen for rumors and other similar concerns so that her office could publish more factual information to help clarify unanswered questions.

At that point the interview was completed and nothing else was discussed.



Attachments:

1. Email 9-9-2010;
2. Email 12-12-2009;
3. Email 10-04-2006;
4. Email 01-29-2010;
5. Email 05-13-2010;
6. Combined three email topics.



001 Email  
9-9-2010.pdf



002 Email  
12-12-2009.pdf



003 Email  
10-04-2006.pdf



004 Email  
01-29-2010.pdf



005 Email  
05-13-2010.pdf



006 Combined three  
email topics.pdf



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
OFFICE OF INSPECTOR GENERAL  
901 N. 5<sup>TH</sup> STREET  
KANSAS CITY, KS 66101

CASE #: OC-KA-2011-CFR-1258

CROSS REFERENCE #: COMP-2011-38

TITLE: BRENNER, ROBERT D.

CASE AGENT: [REDACTED]

MEMORANDUM OF ACTIVITY

On December 14, 2010, the Reporting Agent took receipt of Lotus Notes e-mails from EPA employee [REDACTED] Special Agent, Office of Investigations, Office of Inspector General, Washington, DC. These documents represented e-mails derived from the EPA government Lotus Notes mailbox belonging to EPA employee, ROBERT D. BRENNER, Director, Office of Policy Analysis and Review, Office of Air and Radiation, Washington, DC. A review of these records was conducted for their evidentiary value and has been attached to the investigative file for permanent retention.

This investigation was initiated on December 6, 2010, after the Office of Inspector General (OIG) received Hotline Complaint referral memorandum #2011-045. The referral had information reporting that BRENNER allegedly received an \$8,000 VIP discount on a new car purchase from Daimler not available to the public.

This analysis revealed BRENNER had communicated with [REDACTED]  
[REDACTED] Washington, DC, an [REDACTED]  
[REDACTED] Of the many  
e-mails provided, the following is a sample:

According to the e-mails:

Referred to Agency

RESTRICTED INFORMATION

Referred to Agency



This review was completed.

Attachments:

1. ROBERT D. BRENNER's Lotus Notes e-mail samples.

**Attachments:**

1. ROBERT D. BRENNER's Lotus Notes e-mail samples.



e-mail doc  
review.pdf



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
OFFICE OF INSPECTOR GENERAL  
901 N. 5<sup>TH</sup> STREET  
KANSAS CITY, KS 66101

CASE #: OC-KA-2011-CFR-1258

CROSS REFERENCE #: N/A

TITLE: EPA HQ/OAR - DIRECTOR/OPAR - ROBERT D. BRENNER (Confidential)

CASE AGENT: [REDACTED]

### MEMORANDUM OF ACTIVITY

On July 21, 2011, the Reporting Agent took receipt of approximately 13 Lotus Notes e-mails and approximately 10 meeting invitations from EPA employee [REDACTED], Special Agent, Office of Investigations, Office of Inspector General, Washington, DC. Those documents represented e-mails from [REDACTED] results in search for all emails exchanged between February 2008 through October 2010 from, or to, EPA employee ROBERT D. BRENNER, Director, Office of Policy Analysis and Review (OPAR), Office of Air and Radiation, (OAR), Washington, DC and EPA employee [REDACTED].

[REDACTED] derived from the EPA government Lotus Notes mailbox belonging to BRENNER. A review of those records was conducted for their evidentiary value and has been attached to the investigative file for permanent retention.

This investigation was initiated on December 6, 2010, after the OIG received Hotline Complaint referral memorandum #2011-045. The referral had information reporting that BRENNER allegedly received an \$8,000 discount on a new car purchase from Daimler not available to the public.

The emails and meeting invitations appeared to be routine business matters such as: a) an  
Referred to Agency [REDACTED]

This review was completed.

Attachments:

1. Emails dated February 2008 – June 2009;
2. Emails dated December 2009 – October 2010;
3. Emails dated June 2010 – October 2010.

Attachments:

1. Emails dated February 2008 – June 2009;



Feb 2008 - June  
2009.pdf

2. Emails dated December 2009 – October 2010;



Dec 2009 - Oct  
2010.pdf

3. Emails dated June 2010 – October 2010.



June 2010 - Oct  
2010.pdf



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
OFFICE OF INSPECTOR GENERAL  
901 N. 5<sup>TH</sup> STREET  
KANSAS CITY, KS 66101

MEMORANDUM OF INTERVIEW

Interview Date:	July 12, 2011
Case Name:	EPA HQ/OAR - DIRECTOR/OPAR - ROBERT D. BRENNER (Confidential)
Case Number:	OC-KA-2011-CFR-1258
Interviewee:	McCARTHY, REGINA A.
Interview Location:	Washington, D.C.
Interviewed By:	[REDACTED] (Federal Bureau of Investigation); NICHOLAS ACKER, Trial Attorney, Criminal Division, Fraud Section, Department of Justice (DOJ) and JOHN PEARSON, Trial Attorney, Public Integrity Unit, DOJ
Witnesses:	N/A

On July 12, 2011, the Reporting Agent interviewed EPA employee REGINA A. McCARTHY, Assistant Administrator, Office of Air and Radiation (OAR), 1200 Pennsylvania Avenue NW, Washington, DC (202) 564-7404. The interview was conducted in McCARTHY's conference room, #5402, located in the EPA Ariel Rios North building, Washington, DC. Assisting the Reporting Agent was [REDACTED] Special Agent, Federal Bureau of Investigation, NICHOLAS ACKER, Trial Attorney, Criminal Division, Fraud Section, Department of Justice (DOJ) and JOHN PEARSON, Trial Attorney, Public Integrity Unit, DOJ. The purpose for the interview, which had been explained to McCARTHY, was to learn from her what level of influence or involvement EPA subordinate employee ROBERT D. BRENNER, Director, Office of Policy Analysis and Review (OPAR), OAR would have played into EPA rule and policy making. The credentials of PEARSON and ACKER were presented to McCARTHY for inspection. The identities of [REDACTED] and the Reporting Agent were already known to McCARTHY from a previous interview. McCARTHY then essentially provided the following information:

McCARTHY said BRENNER has continuously provided advice regarding OAR office policy and has supported the EPA Deputies and Administrator with environmental information. McCARTHY said she tasks BRENNER to organize various internal working groups and cross-office projects as an advisor but has not been delegated to create policy. McCARTHY provided an overview of the EPA organizational structure to describe that BRENNER often interacts with other EPA offices as one of

RESTRICTED INFORMATION

This report is the property of the Office of Investigations and is loaned to your agency; it and its contents may not be reproduced without written permission. The report is FOR OFFICIAL USE ONLY and its disclosure to unauthorized persons is prohibited. Public availability to be determined under 5 U.S.C. 552.

many advisors to the Administrator. McCARTHY said BRENNER has an interest in environment justice policy and child health care matters.

McCARTHY described that BRENNER's daily activities include attending McCARTHY's daily morning staff meetings to review her calendar. McCARTHY described that BRENNER participates in discussions concerning scheduled key meetings to greater understand their strategic importance. McCARTHY said that the morning meetings do not result in making policy decisions. McCARTHY described she limits the "weight" given to BRENNER's advice adding that McCARTHY lacks personally knowing BRENNER that well. As a result, McCARTHY said she does not carry BRENNER's advice to the current Administration.

McCARTHY further described that during the morning meetings, she explores why particular meetings are scheduled, what could result and whether OAR has fully prepared. She said those are broad issue discussions to decide whether matters need additional momentum.

McCARTHY described she often seeks ideas from BRENNER because of his historical EPA knowledge. McCARTHY further described that BRENNER appears to know many environmentalists and has the ability to keep communication flowing in the office. McCARTHY said she does not trust BRENNER because McCARTHY lacks personal knowledge and a long working history with BRENNER. McCARTHY said BRENNER has the reputation of knowing the EPA's Clean Air Act. McCARTHY described that BRENNER talks to many people outside of the EPA and as such, that creates a "red flag" for McCARTHY. She added that she keeps BRENNER "at arm's length" and uses him to "gauge the temperature". McCARTHY said she has concerns with BRENNER's prior views inasmuch as BRENNER is a declared democrat who had not aligned himself with the prior Administration. McCARTHY said she relies on BRENNER to "fill-in" on some duties like making speeches. McCARTHY said BRENNER contributes "at the table" with his ideas but said BRENNER has not influenced McCARTHY in making final decisions probably "to his frustration."

McCARTHY listed examples of BRENNER's routine day-to-day contributions as follows: a) environmental justice grants for communities; b) identifies high priority goals; c) weighed in on particulate monitoring in communities to see whether there have been achievements of other national programs; d) tracking rule making; and, e) other interoffice projects.

McCARTHY said that BRENNER runs the Clean Air Act Advisory Committee (CAAAC) even though the CAAAC is managed by the EPA Administrator's Budget Office under authority of the Federal Advisory Committee Act. In response to an inquiry by the Reporting Agent, McCARTHY said she does not know former CAAAC member [REDACTED] McCARTHY was aware that CAAAC members have exceeded set term CAAAC membership limits. McCARTHY said she does not make recommendations for CAAAC membership however BRENNER plays a role in making recommendations for members to the CAAAC.

In response to an inquiry regarding BRENNER's substantive involvement with Selective Catalytic Reduction (SCR) technology, Air conditioning (a/c) credits and carbon dioxide (co2) emissions, McCARTHY said BRENNER participated peripherally in raising the value in the diesel retrofit program as well as funding for the program. McCARTHY said BRENNER participates in budget discussions by maintaining and caring for various programs. McCARTHY cited an example of a multi-million dollar grant program for lowering sulfur levels in diesel fuel and pollution control. BRENNER also participated in what McCARTHY described as a very successful program of school bus diesel engine retrofits, working with ports and trucking companies, and partnerships with independent associations and trucking companies. McCARTHY said BRENNER concentrates on



stationary sources while BRENNER's peer, EPA employee [REDACTED] OAR, is tasked to [REDACTED]

McCARTHY said that to her knowledge, BRENNER is not involved with [REDACTED] matters because [REDACTED] is primarily tasked with that responsibility. McCARTHY adamantly stated that she would know whether BRENNER was involved and whether BRENNER was trying to influence EPA certifications decisions based on [REDACTED] with regard to [REDACTED] matters. McCARTHY added that certification was not BRENNER's expertise nor has McCARTHY asked BRENNER to engage in [REDACTED] matters. McCARTHY said she was unaware whether BRENNER has participated in a/c credit matters although McCARTHY said a/c credits were not a large agenda item during her tenure and does not remember conversations about a/c credits.

McCARTHY stated BRENNER organizes unsolicited meetings for McCARTHY with prior OPAR employees now employed with various advocacy groups. McCARTHY said the meetings mostly covered stationary source topics from industry and environmental groups. McCARTHY said she (b) (5)

[REDACTED] than BRENNER probably thinks. McCARTHY added that BRENNER is closely connected with the environmental community and as such, knows a lot of people. McCARTHY said the meeting discussions were generally related to large and broad policy issues rather than specific discussions. McCARTHY said (b) (5)

In response to the Reporting Agent's request for McCARTHY to review her personal calendar, she confirmed she met with [REDACTED] during McCARTHY's trip to Copenhagen, Denmark at BRENNER's request on, or about, December 15, 2009. (Agent's note: Duke Energy is the third largest electric power holding company in the United States and distributes natural gas in Ohio and Kentucky. According to [REDACTED]

[REDACTED]. McCARTHY said she did not remember exactly what was discussed at the meeting but thought it was regarding subsidized coal or other utility concept. McCARTHY said (b) (5)

McCARTHY vaguely recalled but speculated (b) (6), (b) (7)(C), (b) (5)

McCARTHY was asked during the remainder of the interview to explain topics and to verify various meetings in response to inquiries by the Reporting Agents as follows:

McCARTHY said she had not met with any representatives from Black and Veatch;

McCARTHY has spoken to a representative from Edison Electric Institute (EEI) [REDACTED] (phonetic) on the telephone a couple of times on, or about January 20, 2010, but not at BRENNER's request. McCARTHY described EEI as a powerful environmental association;

McCARTHY described the Nicholas Institute (NI), located on the campus of the University of North Carolina, as a location where environmentalists conduct work on climate change. McCARTHY said she did not know of BRENNER's relationship with the NI;

McCARTHY said BRENNER has an interest in multi-pollutant strategy described as a single strategy of attacking pollutants in a sector instead of using a number of different rules;

McCARTHY could not find any meetings scheduled with any CEO regarding power or water utilities set for February 2010. McCARTHY speculated that (b) (5)

but could not confirm the information.

McCARTHY said BRENNER may have been involved in the tasking requirements but could not confirm the information;

McCARTHY confirmed she cancelled a scheduled meeting due to snow with on February 24, 2010. McCARTHY said she noted a scheduled follow-up meeting that never took place and was probably going to discuss an integrated utility strategy;

McCARTHY checked her calendar for meetings during the second half of September 2010 with and did not show a history of meeting with him. McCARTHY said the EPA hosted a large celebration conference of the Clean Air Act during that time in which might have attended with many other guests however McCARTHY could not confirm the information;

McCARTHY was shown an email from Daimler employee Refer to agency issues. McCARTHY reacted saying she did not know the overall meaning of the email adding that and EPA employee subordinate to would know the meaning;

McCARTHY was shown an email from Refer to agency McCARTHY reacted that she does not know if BRENNER is "engaged or not" with co2 or whether he is "engaged" without McCARTHY's knowledge. McCARTHY opined BRENNER learns information from a subordinate employee of BRENNER assigned by BRENNER full-time to OTAQ from OPAR. McCARTHY described the email overall as "disturbing" because she has never assigned BRENNER to co2 implementation matters.

McCARTHY described BRENNER as being devoted to the EPA, was an "A" player and that McCARTHY would be shocked to learn that BRENNER might be trying to advance himself to others as being more knowledgeable about matters that he really is.

At that point, McCARTHY excused herself from the uncompleted interview to attend another scheduled meeting on her calendar. Nothing else was discussed.

#### Attachments:

1. email dated February 16, 2010;
2. email dated, March 15, 2010.

Attachments:



email 2-16-10.pdf



email 3-15-10.pdf



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
**OFFICE OF INSPECTOR GENERAL**  
901 N. 5<sup>TH</sup> STREET  
KANSAS CITY, KS 66101

**CASE #: OC-KA-2011-CFR-1258**

**CROSS REFERENCE #:**

**TITLE: EPA HQ/OAR - DIRECTOR/OPAR - ROBERT D. BRENNER (Confidential)**

**CASE AGENT:** [REDACTED]

**MEMORANDUM OF ACTIVITY**

On June 23, 2011, the Reporting Agent took receipt of eight emails sent from JOHN PEARSON, Trial Attorney, Public Integrity Unit, Department of Justice, Washington, DC. PEARSON forwarded the emails sent to him from [REDACTED]

[REDACTED] who represents

[REDACTED] Washington, DC.

A review of the emails was completed on June 24, 2011, by the Reporting Agent as part of a pending investigation into accepting a gratuity by EPA employee, ROBERT D. BRENNER, Director, Office of Policy Analysis and Review, Office of Air and Radiation, Washington, DC. This review revealed the eight emails provided by [REDACTED] were communications between [REDACTED] and BRENNER beginning on February 21, 2010, ending on August 16, 2010, using two of BRENNER's personal email addresses: [REDACTED] and [REDACTED]

This investigation was initiated on December 6, 2010, after the OIG received Hotline Complaint referral memorandum #2011-045. The referral had information reporting that BRENNER allegedly received an \$8,000 discount on a new car purchase from the Chrysler Corporation not available to the public.

According to the emails, BRENNER and [REDACTED] discussed on February 21, 2010, the model of the vehicle as an E350 Blue Tec 2-wheel drive vehicle. Both individuals believed the vehicle would not be delivered until after July 2010. Other emails also included discussions about meeting each other for golf games.

One pertinent email was dated March 7, 2010, entitled, "Re: Forward: Fw: Letter to Administrator Jackson, from Senator Murkowski." In that email, BRENNER responds to

Referred to Agency

**RESTRICTED INFORMATION**

Page 1

This report is the property of the Office of Investigations and is loaned to your agency; it and its contents may not be reproduced without written permission. The report is FOR OFFICIAL USE ONLY and its disclosure to unauthorized persons is prohibited. Public availability to be determined under 5 U.S.C. 552.

This review was completed.

Attachment:

1. ROBERT D. BRENNER's eight personal e-mails.



Production  
6-23-11.pdf



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
OFFICE OF INSPECTOR GENERAL  
901 N. 5<sup>TH</sup> STREET,  
KANSAS CITY, KS 66101

MEMORANDUM OF INTERVIEW

Interview Date:	May 26, 2011
Case Name:	EPA HQ/OAR - DIRECTOR/OPAR - ROBERT D. BRENNER
Case Number:	OC-KA-2011-CFR-1258
Interviewee:	[REDACTED]
Interview Location:	WASHINGTON, DC
Interviewed By:	[REDACTED]
Witnesses:	[REDACTED]

On May 26, 2011, the Reporting Agent interviewed Daimler employee [REDACTED]

[REDACTED] Washington, DC 20006 (202-[REDACTED]) The interview was conducted in a conference room on the 12<sup>th</sup> floor of the United States Department of Justice (DOJ), Criminal Division, Public Integrity Section, 1400 New York Ave, NW, Washington, DC Office. Assisting the Reporting Agent was [REDACTED] Special Agent, Federal Bureau of Investigation and KEVIN DRISCOLL, Trial Attorney, DOJ. The purpose for the interview, which had been explained to [REDACTED] was to obtain information regarding Daimler's interactions with EPA employees and other government entities which could have contributed to possible bribery or illegal gratuities received by an EPA employee. Also present for the interview were three employees from [REDACTED]

[REDACTED] Attorney at Law and counsel for [REDACTED]  
[REDACTED] Attorney at Law [REDACTED] and [REDACTED] Attorney at Law, [REDACTED]  
[REDACTED] Washington, DC 20036. The credentials of the Reporting Agent were presented to [REDACTED] for inspection [REDACTED] then essentially provided the following information:

[REDACTED] said [REDACTED] has worked at Daimler for [REDACTED] years and has been [REDACTED] for approximately [REDACTED] years. [REDACTED] described that [REDACTED] position at Daimler (and formerly named MBUSA) represents both an [REDACTED]

[REDACTED] was asked what role would EPA have played in approving Selective Catalytic Reduction (SCR) technology for the diesel engine. [REDACTED] briefly explained SCR technology uses liquid urea as an after-treatment for reducing pollutants from diesel engine exhaust [REDACTED] said a company named [REDACTED]

RESTRICTED INFORMATION

Navistar is a competitor of SCR technology who promotes a different method of reducing pollutants from diesel exhaust emissions. (Agent's note: Navistar developed an Exhaust Gas Recirculation (EGR) technology that is built into the engine as a competitive technology to SCR technology. The EGR concept re-circulates a portion of the engine's exhaust back to the engine cylinders and burns off excess pollutants which eliminates the requirement of retrofitting existing diesel engines, buying, handling and maintaining liquid urea, or training drivers and technicians on how to handle liquid urea. Both technologies were required in attempts to meet years 2004-2007-2010 EPA emission requirements to reduce pollutants by 98%.)

██████████ said MBUSA had used SCR technology in Europe for heavy duty trucks to meet years 2007 and 2010 regulations. ██████████ said EPA compliance standards were agreed upon in the 1990s. ██████████ added that companies needed to learn from the EPA the newest standard requirements in order to determine a strategy and route Daimler/MBUSA would take to meet the new standards using SCR technology. ██████████ had discussions with EPA requesting it not delay 2010 benchmark SCR standards with ██████████ noting that Navistar requested a delay opining it probably could not meet EPA standards in time. ██████████ added that EPA approval of SCR technology prevented Daimler from not having to re-tool or re-create new technology. ██████████ was not aware of implicit or explicit meetings with the EPA regarding SCR technology by EAPP staff or other Daimler/MBUSA employees. ██████████ stated vehicle emission rules are stricter in California as well as in New York, Oregon and Connecticut and, as such, Daimler/MBUSA needed to introduce a different vehicle in California in 2007 for two years while producing vehicles in 2009 for use in the remaining states. ██████████ primary point of contact at the EPA is ██████████. ██████████ said Daimler also sought tax incentives from the Internal Revenue Service.

In response to an inquiry by the Reporting Agent ██████████ said companies must self-certify that its own vehicles meet EPA carbon dioxide and other volatile or non volatile emission certification standards. ██████████ said that process is not unique to Daimler but is required for all vehicles driven in the United States.

In response to an inquiry by the Reporting Agent regarding the EPA's role in issuing air conditioning (a/c) credits, ██████████ first explained that a/c credits pertained to chlorofluorocarbon compounds used in vehicle air conditioners, formerly known as Freon, phased out by the EPA because Freon contributed to ozone depletion. ██████████ explained the EPA a/c credits were the result of national standard negotiations for years 2012-2016 vehicles with encouragement to all vehicle manufacturing companies to use ozone-friendly contents. ██████████ explained companies would receive credits to offset the environmental footprint assessed by the EPA on company fleets. ██████████ said companies could lower the overall multiplier effect assessed to vehicle fleets by the EPA by designing better fuel-efficient vehicles through aerodynamics in exchange for the a/c credits. ██████████ described the a/c credits as a "big deal" particularly valuable for vehicles driven in California. ██████████ further explained Daimler has a higher percentage of luxury vehicle sales on the coasts of the United States citing 40% of its sales are in California.

██████████ said ██████████ heard ██████████ on the telephone during many conversations with ██████████ staff concerning years 2012-2016 and 2017-2025 vehicle discussions. ██████████ briefly explained that EAPP interacts with the EPA via two channels – independently on behalf of Daimler or a Daimler subsidiary, and as a member of the Alliance of Automobile Manufacturers (the "Alliance"), the Company's trade association in the United States. As such, EAPP has participated in EPA joint meetings with Volkswagen, BMW and other vehicle manufacturers but has met privately with the EPA involving proprietary information. ██████████ indicated a large percentage of EAPP's conversations were in

March-May 2009 concerning years 2012-2016 vehicles led by [REDACTED] a leading scholar of administrative and environmental law. In response to an inquiry by the Reporting Agent, [REDACTED] said [REDACTED] was not present for any of those meetings.

[REDACTED] said Daimler/MBUSA's newest manufacturing plant was build circa 1999 in Tuscaloosa, Alabama. [REDACTED] said it was possible that EAPP employees contacted committee members of the EPA's Clean Air Act Advisory Committee (CAAAC) without [REDACTED] knowledge adding [REDACTED] was unaware of the existence of the CAAAC.

[REDACTED] stated that EAPP acts as an "early warning" advisor for Daimler on all governmental issues and transmits policy objectives to Daimler. As such, [REDACTED] said EAPP monitors business trends for effects on Daimler policies. [REDACTED] said EAPP leads exchanges between EAPP, Daimler business units and outside entities on matters of Daimler policies. [REDACTED] explained that Daimler business units contribute in generating tasks and questions for EAPP to pursue.

[REDACTED] said that EAPP responds back to the business units in multiple ways. [REDACTED] explained EAPP provides responses via email, weekly reports, flash updates and Daimler's general shared computer drives. [REDACTED] said EAPP has notebooks dating back to the year 2000 which act as a log in addition to calendar and telephone log information. [REDACTED] said [REDACTED] the responses to the requester and agreed that the requester determines whether the tasking requirement was met because of constant exchanging of communication between EAPP and the requester.

In response to an inquiry by the Reporting Agent, [REDACTED] Temporary Lead Time Allowance (TLAS) for manufacturers; a component in reaching a pathway for compliance to standards for years 2012-2016 vehicles [REDACTED] explained TLAS allowed for a portion of fleet vehicles to exceed standards while smaller companies could have more time to adjust to the standards. [REDACTED] added that in October 2009, EAPP met with [REDACTED] unit to begin discussions about, and sharing with [REDACTED] the Smart Way Program. [REDACTED] explained that program refers to designing medium size to heavy-duty size trucks more aerodynamically to improve overall performance and create energy efficient vehicles for years 2014-2018. [REDACTED] said EAPP also had discussions with the U.S. Treasury Department regarding asset-backed securities for auto parts that were repackaged.

[REDACTED] described his view of [REDACTED] role with Daimler [REDACTED] issues as [REDACTED] Daimler. [REDACTED] direct interaction with [REDACTED] involved [REDACTED] regarding clarifying Daimler on-board diagnostics in Daimler vehicles. [REDACTED] has worked with [REDACTED] more on TLAS for years 2012-2016 vehicles and has golfed with [REDACTED] one time as part of a foursome in a golfing charity event.

[REDACTED] said [REDACTED] was directed and paid by the company's [REDACTED] headed by [REDACTED] That group concentrated on acquiring vehicle certification in the U.S. for both safety and emissions requirements. [REDACTED] said [REDACTED] reports to, and advises the company's board on current requirements and trends in technology, such as hybrid vehicles and alternative fuels. [REDACTED] said [REDACTED] influences how the company will prepare in meeting new standards and company investments.

[REDACTED] clarified a statement [REDACTED] made during a joint interview of [REDACTED] employees conducted by Daimler attorneys on April 26, 2011. (Agent's note: that interview was conducted as a result of



Daimler Corporate Audit North America's ("DCA/NA") review of a transaction involving the issuance of a Very Important Person (VIP) number to EPA employee ROBERT D. BRENNER for the purpose of providing BRENNER with a discount on the purchase of a new E Class Mercedes vehicle.) [REDACTED] had said in that interview, [REDACTED] and [REDACTED] were friendly. [REDACTED] opinion after having lunch with, and observing [REDACTED] and [REDACTED] together. [REDACTED] was also told by [REDACTED] friends with [REDACTED]

In response to an inquiry by the Reporting Agent, [REDACTED] (Agent's note: [REDACTED] and is versatile on multiple subject matters. [REDACTED] said [REDACTED] Germany regarding vehicle regulations for years 2017-2025. [REDACTED] added that [REDACTED] was not involved in those contacts.

[REDACTED] described the cancellation of [REDACTED] business trip to Germany in March 2011 with Daimler employees. [REDACTED] said [REDACTED] had visited other manufacturing plants including Porsche [REDACTED] described the purpose of [REDACTED] trip was a site visit but did not recall why the trip was actually cancelled.

[REDACTED] was asked during the remainder of the interview to clarify or verify various individual pieces of information in response to inquiries by the Reporting Agent as follows:

[REDACTED] characterized [REDACTED] contacts at the EPA as historically valuable to Daimler. [REDACTED] added that [REDACTED] had been advising Daimler for many years and that [REDACTED] evolved into political issues. [REDACTED] was "good at [REDACTED] job." [REDACTED] did not need the help or assistance of [REDACTED]

[REDACTED] knew EPA employee GINA McCARTHY but did not know BRENNER. [REDACTED] said [REDACTED] not familiar with the EPA's Office of Policy Analysis and Review (OPAR);

[REDACTED] was informed in December 2010 by Daimler officials that [REDACTED] no longer could participate in Daimler matters as a result of the instant investigation. [REDACTED] has known [REDACTED] characterized [REDACTED] role as a "sounding board in the room." [REDACTED] said that in preparing for [REDACTED] emphasized to [REDACTED] employees that they need to become leaders without the need of assistance from [REDACTED] said [REDACTED] has institutional knowledge of the company and appeared to understand technical issues. [REDACTED] described that [REDACTED] was not an adversary but that there was always competition with [REDACTED]

[REDACTED] has not observed or is aware of any unethical conduct. [REDACTED] works mainly with EPA employees [REDACTED] in a critical role and [REDACTED] (Agents note:

[REDACTED] has not visited the EPA laboratory in Ann Arbor, MI.

At that point the interview was concluded and nothing else was discussed.



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
**OFFICE OF INSPECTOR GENERAL**  
901 N. 5<sup>TH</sup> STREET  
KANSAS CITY, KS 66101

**CASE #: OC-KA-2011-CFR-1258**

**CROSS REFERENCE #:**

**TITLE: EPA HQ/OAR - DIRECTOR/OPAR - ROBERT D. BRENNER**

**CASE AGENT:** [REDACTED]

**MEMORANDUM OF ACTIVITY**

On May 25, 2011, the Reporting Agent, Oversight, and Special Review, EPA, OIG, completed a document review of a memorandum, dated May 4, 2011, prepared by [REDACTED] Skadden, Arps, Slate, Meagher & Flom LLP, 1440 New York Avenue, N.W., Washington, D.C. 20005, a law firm representing Daimler AG, (Daimler), maker of Mercedes-Benz motor vehicles. These records were reviewed for their evidentiary value and have been attached to the investigative file for permanent retention. The memorandum was received via email from NICHOLAS S. ACKER, Trial Attorney, Fraud Section, U.S. Department of Justice, 1400 New York Avenue, NW, Washington, DC.

This investigation was initiated on December 6, 2010, after the Office of Inspector General (OIG) received Hotline Complaint referral memorandum #2011-045. The referral had information reporting that EPA employee, ROBERT D. BRENNER, Director, Office of Policy Analysis and Review, Office of Air and Radiation, Washington, DC, allegedly received an \$8,000 discount on a new car purchase from Daimler not available to the public.

According to the memorandum:

The nine-page document contained a cover memorandum, dated May 5, 2011, signed by [REDACTED] GIBSON, DUNN & CRUTCHER LLP, 1050 Connecticut Ave N.W., Washington, DC, a second law firm representing Daimler, requesting confidentiality for the information contained in the memorandum. The memorandum memorialized interviews of the following [REDACTED] Daimler employees assigned to the [REDACTED]

[REDACTED] The joint interview of the [REDACTED] employees took place on April 26, 2011. According to ACKER's email, he requested the production of information from Daimler but did not request that Daimler attorneys conduct the joint interview. The interview took place at EAPP's offices in Washington, D.C.

Each of the EAPP employees were informed the interview was conducted as a result of Daimler Corporate Audit North America's ("DCA/NA") review of a transaction involving the issuance of a Very Important Person (VIP) number to BRENNER for the purpose of providing BRENNER

with a discount on the purchase of a new E Class Mercedes vehicle. The EAPP employees said that EAPP's role at Daimler is to handle communications for all Daimler business units worldwide with North American government agencies, officials, non-governmental organizations and embassies. [REDACTED] and said EAPP's mission is to interact with government entities on issues important to Daimler. [REDACTED] said BRENNER was neither among the EPA employees with whom EAPP contacted nor was he mentioned in any of EAPP's interactions with the EPA.

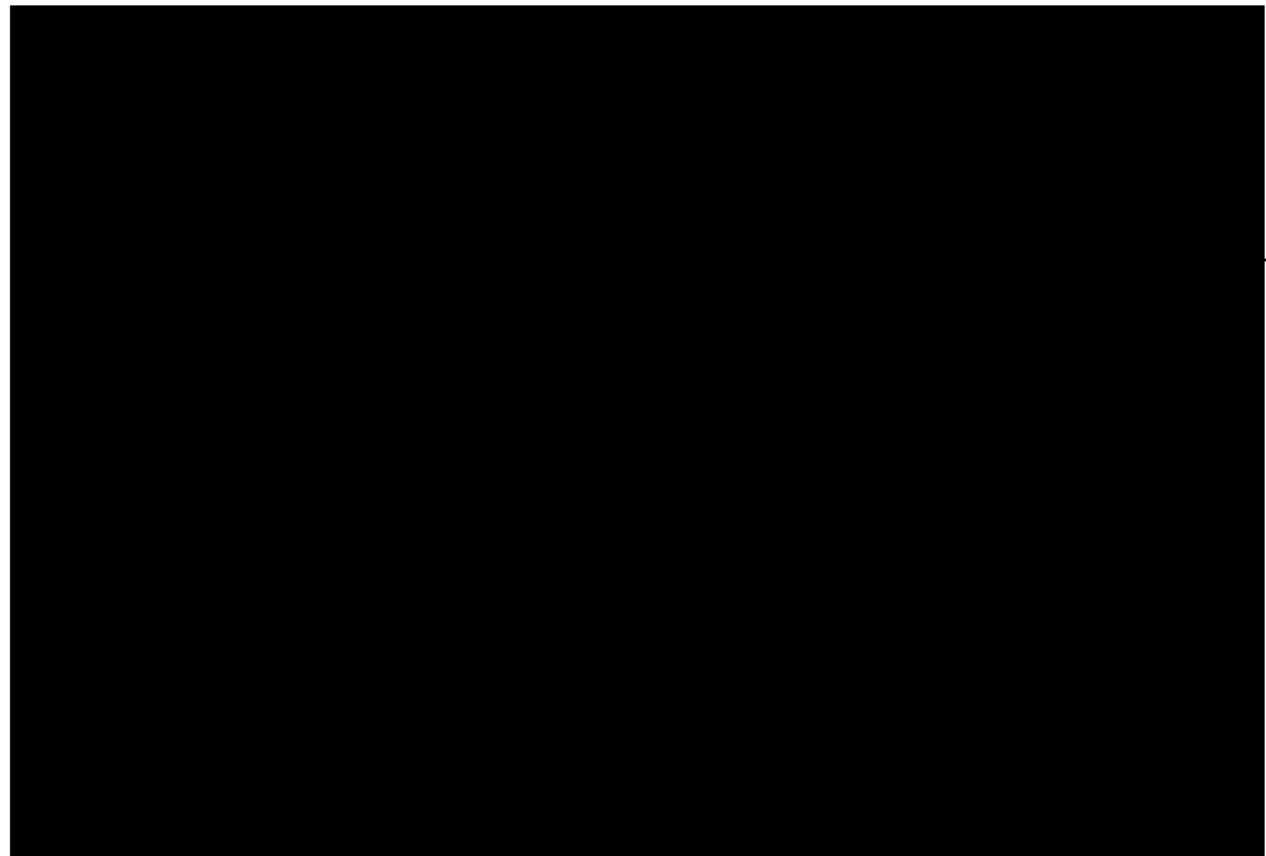
[REDACTED] explained that EAPP was to act as a conduit for government entities to transmit policy objectives to Daimler. [REDACTED] described EAPP as "a full-service government lobbying entity for all Daimler business units." [REDACTED] noted that the bulk of EAPP's work with the EPA over the past few years related to formulating a set of rules and compliance for emissions and greenhouse gas standards. EAPP also has worked with EPA on Daimler's reintroduction of diesel engines into the United States.

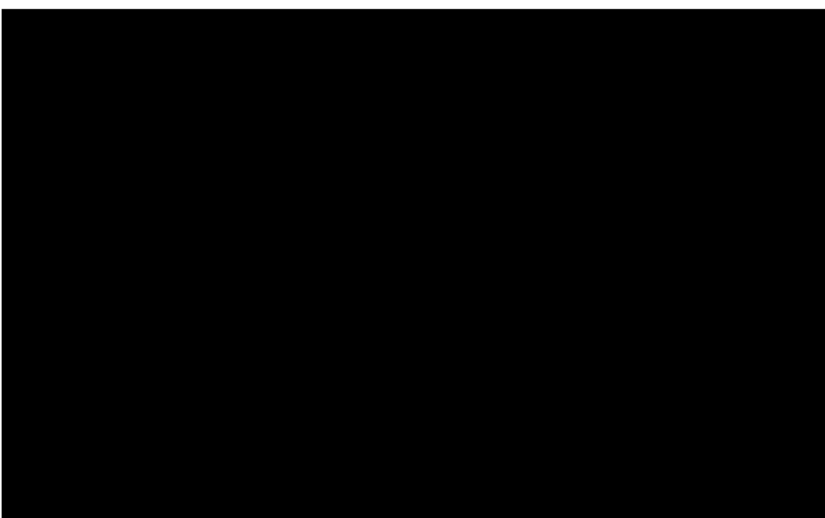
[REDACTED] stated that none of the EAPP employees know or have heard of Brenner and that [REDACTED] have never been asked for a VIP discount on behalf of a government employee. Apart from the BRENNER VIP number, they said they had no knowledge of any Daimler employee procuring a discount for a government official.

[REDACTED] produced calendar and telephone log information in search for contacts with the EPA from January 2010 through April 2011. The following EPA employees were revealed:

LISA JACKSON, EPA Administrator, 202-564-4700;

GINA MCCARTHY, Assistant Administrator, Office of Air and Radiation, HQ, 202-564-7404;





explained that EAPP interacts with the EPA via two channels – independently on behalf of Daimler or a Daimler subsidiary, and as a member of the Alliance of Automobile Manufacturers (the “Alliance”), the Company’s trade association in the United States. Alliance members include Mercedes-Benz USA, Chrysler, Ford, General Motors, Toyota, and Volkswagen, as well as BMW, Jaguar and Land Rover, Mazda, Mitsubishi, Porsche, and Volvo. According to a number of the contacts on the log were made in the context of EAPP’s work with the Alliance.

The review of the document was completed.

**Attachments:**

1. EAPP interview memorandum dated May 4, 2011;
2. EPA contact list labeled attachment A.

Attachments:

1. EAPP interview memorandum dated May 4, 2011;

EAPP Interview  
memo.pdf

2. EPA contact list labeled attachment A.

EAPP contact list.pdf

.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
OFFICE OF INSPECTOR GENERAL  
901 N. 5<sup>TH</sup> STREET  
KANSAS CITY, KS 66101

MEMORANDUM OF INTERVIEW

Interview Date:	February 23, 2011
Case Name:	BRENNER, ROBERT D.
Case Number:	OC-KA-2011-CFR-1258
Interviewee:	[REDACTED]
Interview Location:	WASHINGTON, D.C.
Interviewed By:	[REDACTED]
Witnesses:	N/A

On February 23, 2011, the Reporting Agent interviewed EPA employee [REDACTED] [REDACTED] 1200 Pennsylvania Avenue NW, Washington, DC [REDACTED]. The interview was conducted at the OIG Office of Counsel, Room #3216, located in the EPA West building, Washington, DC. Assisting the Reporting Agent was [REDACTED] Special Agent, Federal Bureau of Investigation. The purpose for the interview, which had been explained to [REDACTED] was to obtain information regarding allegations of bribery or illegal gratuities received by employee(s) within OAR. The credentials of the Reporting Agents were presented to [REDACTED] for inspection. [REDACTED] then essentially provided the following information.

[REDACTED] described that [REDACTED] role in OPAR is to [REDACTED]

[REDACTED] relationship with BRENNER as extremely good [REDACTED] with BRENNER only during office functions.

[REDACTED] characterized BRENNER as very hard working with a passion for having a clean air environment. In response to an inquiry by the Reporting Agents, [REDACTED] said BRENNER's [REDACTED] said [REDACTED] learned

that BRENNER [REDACTED]  
[REDACTED]

[REDACTED] said that there has never been an occasion when BRENNER has scheduled a meeting  
[REDACTED]

At that point, [REDACTED] was advised that [REDACTED] was not to discuss the subject of today's interview with anyone other than [REDACTED] attorney, and that [REDACTED] was not to repeat or disclose any of the information that had been exchanged during today's interview with other supervisors, co-workers, or anyone else in [REDACTED] workplace. The Reporting Agents then terminated the interview and nothing else was discussed.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
OFFICE OF INSPECTOR GENERAL  
901 N. 5<sup>TH</sup> STREET  
KANSAS CITY, KS 66101

MEMORANDUM OF INTERVIEW

Interview Date:	January 19, 2011
Case Name:	BRENNER, ROBERT D.
Case Number:	OC-KA-2011-CFR-1258
Interviewees:	McCABE, JANET G.; [REDACTED] (separately)
Interview Location:	Washington, D.C.
Interviewed By:	[REDACTED]
Witnesses:	N/A

On January 19, 2011, the Reporting Agent separately interviewed two EPA employees identified below in an EPA conference room, #5415, located in the EPA Ariel Rios North building, Washington, DC. Assisting the Reporting Agent was [REDACTED] Special Agent, Federal Bureau of Investigation. The purpose for the interviews, which had been explained to the employees, was to obtain information regarding allegations of bribery or illegal gratuities received by employee(s) within the Office of Air and Radiation (OAR). The credentials of the Reporting Agents were presented to the employees for inspection.

The following EPA employees were separately interviewed:

JANET G. McCABE, Principal Deputy Assistant Administrator, Office of Air and Radiation (OAR), Washington, D.C. (202) 564-7400;

[REDACTED] Office of Atmospheric Programs, OAR, [REDACTED]

With exception to the McCABE interview, no significant information relating to the allegations of bribery or illegal gratuities within OAR were derived from these interviews.

McCABE said she has known EPA employee ROBERT D. BRENNER, Director, Office of Policy Analysis and Review (OPAR), OAR, for approximately 15 years since the mid 1990s prior to McCABE's employment with the EPA. McCABE said she once served as a committee member on the EPA's Clean Air Act Advisory Committee (CAAAC) prior to her employment with the EPA and has met current CAAAC committee member [REDACTED].

The Reporting Agents concluded each interview.

RESTRICTED INFORMATION





**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
**OFFICE OF INSPECTOR GENERAL**  
901 N. 5<sup>TH</sup> STREET  
KANSAS CITY, KS 66101

**MEMORANDUM OF INTERVIEW**

Interview Date:	January 20, 2011
Case Name:	BRENNER, ROBERT D.
Case Number:	OC-KA-2011-CFR-1258
Interviewee:	[REDACTED]
Interview Location:	Washington, D.C.
Interviewed By:	SPECIAL AGENTS [REDACTED]
Witnesses:	N/A

On January 20, 2011, the Reporting Agent interviewed EPA employee [REDACTED]

[REDACTED] 1200 Pennsylvania Avenue NW, Washington, DC (202) [REDACTED]. The interview was conducted at an OAR conference room, #5415, located in the EPA Ariel Rios North building, Washington, DC. Assisting the Reporting Agent was [REDACTED] Special Agent, Federal Bureau of Investigation. The purpose for the interview, which had been explained to [REDACTED] was to obtain information regarding allegations of bribery or illegal gratuities received by employee(s) within OAR. The credentials of the Reporting Agents were presented to [REDACTED] for inspection. [REDACTED] then essentially provided the following information.

[REDACTED] EPA employee  
ROBERT D. BRENNER, Director, OPAR.

[REDACTED] described that BRENNER and OPAR are responsible for reviewing every major EPA rule or EPA policy that impacts the automotive industry [REDACTED] OTAQ supports that responsibility. [REDACTED] then provided four examples of current EPA policy or legislative concerns that could have an influence or (b) (5)

[REDACTED] by the Reporting Agents. [REDACTED] speculated that the (b) (5)  
(b) (5)

[REDACTED] described that OPAR learns from the automotive industry how the EPA policies

have impacted the automotive industry or what additional costs they incurred as a result of those policies. [REDACTED] experiences have been that (b) (5)

(b) (5) [REDACTED] summarized that the negotiation process does "not have very many mysteries" because the EPA and the automotive industry always publishes the public comments for anyone to read.

[REDACTED] said current federal legislation is (b) (5)

(b) (5) [REDACTED]

In response to an inquiry by the Reporting Agents, [REDACTED] described that OPAR had a "very little role" in selective catalytic reduction (SCR) technology or in getting SCR approved for the diesel engine. [REDACTED] added that OTAQ led the EPA's effort for existing SCR technology. [REDACTED] explained that the EPA does not select the type of technology to impose on the automotive industry but rather shows how the technology would be effective in achieving an EPA goal.

[REDACTED] meetings with the Clean Air Act Advisory Committee (CAAAC). [REDACTED] said [REDACTED] is familiar with [REDACTED] described by [REDACTED] approximately two years.

In response to an inquiry by the Reporting Agents, [REDACTED] said the EPA has recently regulated the Daimler automotive industry, called "harmonization of emission", both domestically and internationally, at a world forum [REDACTED] EPA employee [REDACTED]

[REDACTED] has not been manipulated by, or influenced from, anyone in the automobile industry in exchange for EPA information. At that point, the interview was terminated and nothing else was discussed.



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
**OFFICE OF INSPECTOR GENERAL**  
901 N. 5<sup>TH</sup> STREET  
KANSAS CITY, KS 66101

**MEMORANDUM OF INTERVIEW**

Interview Date:	January 19, 2011
Case Name:	BRENNER, ROBERT D.
Case Number:	OC-KA-2011-CFR-1258
Interviewee:	[REDACTED]
Interview Location:	Washington, D.C.
Interviewed By:	SPECIAL AGENTS [REDACTED] (Federal Bureau of Investigation)
Witnesses:	N/A

On January 19, 2011, the Reporting Agent interviewed EPA employee [REDACTED] Office of Air and Radiation (OAR), 1200 Pennsylvania Avenue NW, Washington, DC (202) [REDACTED]. The interview was conducted at an OAR conference room, #5415, located in the EPA Ariel Rios North building, Washington, DC. Assisting the Reporting Agent was [REDACTED]. The purpose for the interview, which had been explained to [REDACTED] was to obtain information regarding allegations of bribery or illegal gratuities received by employee(s) within OAR. The credentials of the Reporting Agents were presented to [REDACTED] for inspection [REDACTED] then essentially provided the following information.

[REDACTED] characterized [REDACTED] additional duty and responsibility [REDACTED] EPA employee ROBERT D. BRENNER, Director, OPAR, [REDACTED] said [REDACTED] is responsible for [REDACTED] business relationship with BRENNER and [REDACTED] times.

[REDACTED] said BRENNER's most successful program surrounding the automotive industry is to conduct a review of EPA policy, rules or legislation to determine its affect upon the automotive industry. [REDACTED] provided an example of studying the cost-effectiveness of requiring an automotive manufacturer to re-tool its technology in order to achieve an EPA requirement.

[REDACTED] said that OAR's Office of Transportation and Air Quality (OTAQ) is the primary EPA office responsible for interacting with the automotive industry while OPAR monitors the

**RESTRICTED INFORMATION**

This report is the property of the Office of Investigations and is loaned to your agency; it and its contents may not be reproduced without written permission. The report is FOR OFFICIAL USE ONLY and its disclosure to unauthorized persons is prohibited. Public availability to be determined under 5 U.S.C. 552.

progress of negotiations between the EPA and the industry. [REDACTED] OPAR permanently assigns one staff person, EPA employee [REDACTED], [REDACTED] to work with OTAQ.

In response to an inquiry by the Reporting Agents, [REDACTED] said [REDACTED] unaware of any contract work OPAR would have done regarding selective catalytic reduction (SCR) technology. [REDACTED] with certainty that although OTAQ would be primarily responsible for any involvement with the automotive industry regarding SCR technology. BRENNER and [REDACTED] would know the same information based upon [REDACTED] assignment to work with OTAQ. [REDACTED] said [REDACTED] unaware of any role OPAR would have played in carbon dioxide emissions and other emission certification issues. [REDACTED] said OPAR would have played a minimal role, if any, regarding permit or certification processes for new manufacturing plants. [REDACTED] said OPAR's focus remains more on national implications and issues.

[REDACTED] said [REDACTED] the Clean Air Act Advisory Committee (CAAAC). [REDACTED] described BRENNER as the "guiding light" in describing [REDACTED] involvement and interaction with the CAAAC. [REDACTED] said [REDACTED] did not know any committee members of the CAAAC except [REDACTED]. [REDACTED] described [REDACTED] as a friend of BRENNER and further described [REDACTED] as "unusually well-meaning; on our side."

[REDACTED] said [REDACTED] neither had, nor knew of, any pending business EPA has with the Daimler automotive industry. [REDACTED] said the automobile he owns and drives is a Honda. [REDACTED] has not heard of any instance in which an EPA employee was either being manipulated by, or influenced from, anyone in the automobile industry. [REDACTED] said [REDACTED] would be "really surprised" if that has occurred. According to [REDACTED] that situation could not happen in the EPA because of the ethical rules that are in place for employees to follow.

At that point, the interview was terminated and nothing else was discussed.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
OFFICE OF INSPECTOR GENERAL  
901 N. 5<sup>TH</sup> STREET  
KANSAS CITY, KS 66101

MEMORANDUM OF INTERVIEW

Interview Date:	January 20, 2011
Case Name:	BRENNER, ROBERT D.
Case Number:	OC-KA-2011-CFR-1258
Interviewee:	McCARTHY, REGINA A.
Interview Location:	Washington, D.C.
Interviewed By:	SPECIAL AGENTS [REDACTED]
Witnesses:	N/A

On January 20, 2011, the Reporting Agent interviewed EPA employee REGINA A. McCARTHY, Assistant Administrator, Office of Air and Radiation (OAR), 1200 Pennsylvania Avenue NW, Washington, DC (202) 564-7404. The interview was conducted at an OAR conference room, #5415, located in the EPA Ariel Rios North building, Washington, DC. Assisting the Reporting Agent was [REDACTED] Special Agent, Federal Bureau of Investigation. The purpose for the interview, which had been explained to McCARTHY, was to obtain information regarding allegations of bribery or illegal gratuities received by employee(s) within OAR. The credentials of the Reporting Agents were presented to McCARTHY for inspection. McCARTHY then essentially provided the following information.

Prior to commencing the interview, McCARTHY informed the Reporting Agents she believed the interview was related to a notification she received approximately four months ago from EPA employee ROBERT D. BRENNER, Director, Office of Policy Analysis and Review (OPAR), OAR, that someone had requested his government e-mail via a Freedom of Information Act request he believed was due to his relationship with a member of the EPA's Clean Air Act Advisory Committee (CAAAC).

McCARTHY described that OPAR manages the committee membership of the CAAAC. Specifically, BRENNER is responsible for monitoring the term length of committee members and to in McCARTHY who is scheduled for a renewal of their committee reappointment. McCARTHY said she receives a list of recommended individuals for placement on the CAAAC as committee members from BRENNER. Direction is given from McCARTHY to BRENNER to consider appropriate diversity of potential committee members from different industries, different interests, and the longevity of current members and staleness of ideas when making

recommendations for committee members. McCARTHY said those considerations influence who remains and who is selected to be on the committee.

McCARTHY said OPAR is tasked to work with all offices in OAR regarding cross-office issues. McCARTHY said one of many responsibilities of OPAR is to discreetly work on projects within the transportation sector for the EPA regarding rule making and how to respond to Environmental Justice questions. McCARTHY stated that OPAR, specifically BRENNER, manages relationships with the CAAAC members and prepares remarks for McCARTHY to be given to the CAAAC. McCARTHY stated she only maintains a professional relationship with BRENNER and considers him the senior advisor of the senior staff. McCARTHY described that BRENNER "knows a lot of people" and that he is knowledgeable of a wide variety of issues.

McCARTHY said she relies mostly on EPA employee [REDACTED] as the person and office most responsible for [REDACTED]

industry. McCARTHY was certain that BRENNER would have a lot of similar knowledge as OTAQ based on BRENNER's cross-office role in interacting with OTAQ. McCARTHY said she did know what specific information BRENNER would know regarding selective catalytic reduction (SCR) technology or carbon dioxide emission certification issues.

McCARTHY said she also received advice from OPAR regarding multiple industries, including automobile manufacturers, on whether industrial facility owners maintain Plantwide Applicability Limits (PAL), an EPA-defined cap on air emission limits. McCARTHY said OPAR helps maintain the integrity of regulations that oversees those industries while streamlining the approval processes for the construction of plants which otherwise might trigger a review by EPA and state inspectors.

McCARTHY said her professional relationship with the CAAAC includes actions such as receiving its reports, acknowledging them and sending new charges to its committees. McCARTHY recalled a few names of the committee members but stated she did not know [REDACTED]

In response to an inquiry by the Reporting Agents, McCARTHY said one recent EPA priority program that affected the Daimler automobile manufacturer specifically was the heavy duty diesel engine retrofit program. McCARTHY said that other EPA priorities within the past five years that affected the automobile industry were: a) passenger car, light and heavy duty truck fleet vehicle rules; b) fuel economy standards; c) green house standards; d) fuel alternatives, such as ethanol, and the impact on vehicles; and, e) updating fuel standard labels. McCARTHY said that the next major priority, being proposed for release to the public in September 2011, is new fuel economy standards for 2016-2025 vehicles. McCARTHY said BRENNER has not been involved in conducting research for preparing those public comments. McCARTHY said she did not have any relationship with Daimler.

In response to an inquiry by the Reporting Agents, McCARTHY said SCR technology was being challenged by Navistar International Corporation with their own emission reduction technique. McCARTHY commented Navistar's alternative technique required EPA diligence.

In response to an inquiry by the Reporting Agents, McCARTHY said the automobile she owns and drives is a [REDACTED] McCARTHY concluded saying she is unaware of any EPA

employee who is facing an ethical issue because of either being manipulated by, or influences from, anyone in the automobile industry.

At that point, the interview was terminated and nothing else was discussed.





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
OFFICE OF INSPECTOR GENERAL  
901 N. 5<sup>TH</sup> STREET  
KANSAS CITY, KS 66101

MEMORANDUM OF INTERVIEW

Interview Date:	January 19, 2011
Case Name:	BRENNER, ROBERT D.
Case Number:	OC-KA-2011-CFR-1258
Interviewee:	[REDACTED]
Interview Location:	Washington, D.C.
Interviewed By:	SPECIAL AGENTS [REDACTED]
Witnesses:	N/A

On January 19, 2011, the Reporting Agent interviewed EPA employee [REDACTED], 1200

Pennsylvania Avenue NW, Washington, DC (202) [REDACTED]. The interview was conducted at an OAR conference room, #5415, located in the EPA Ariel Rios North building, Washington, DC. Assisting the Reporting Agent was [REDACTED]

[REDACTED] The purpose for the interview, which had been explained to [REDACTED] was to obtain information regarding allegations of bribery or illegal gratuities received by employee(s) within OAR. The credentials of the Reporting Agents were presented to [REDACTED] for inspection. [REDACTED] then essentially provided the following information.

In response to an inquiry by the Reporting Agents, [REDACTED] said the primary responsibility of the Office of Policy Analysis and Review (OPAR), OAR, is to conduct reviews of EPA national programs and policy for the EPA Administrator in all disciplines within OAR. [REDACTED] said [REDACTED] works with EPA employee ROBERT D. BRENNER, Director of OPAR, OAR, [REDACTED]

In response to the inquiry whether BRENNER was responsible for formulating EPA policy or drafting legislation that would have influenced or benefitted the automotive industry, or interacted with the other offices in OAR in which Brenner could have learned about policy or legislation which would have influenced or benefitted the automotive industry, [REDACTED] said BRENNER provided technical advice to the U.S. Congress when they draft automotive legislation. [REDACTED] said BRENNER's role is to monitor Congressional actions as it pertains to OAR, then coordinate the interaction between both entities. [REDACTED] said BRENNER's office interacts with all OAR offices to keep abreast of current issues, trends and technology involving the automotive industry.

RESTRICTED INFORMATION

This report is the property of the Office of Investigations and is loaned to your agency; it and its contents may not be reproduced without written permission. The report is FOR OFFICIAL USE ONLY and its disclosure to unauthorized persons is prohibited. Public availability to be determined under 5 U.S.C. 552.



██████████ said OPAR has an expertise in all industries and technologies including Selective Catalytic Reduction (SCR) technology; a technology that reduces nitrous oxides from diesel engine emissions. ██████████ said OPAR assigns an EPA employee to work closely with the Office of Transportation and Air Quality (OTAQ), OAR, the office delegated to work exclusively with the automotive industry. ██████████ said EPA employee ██████████

██████████ said OPAR would know a lot of information regarding obtaining SCR technology approval for diesel engines including knowing the "pros and cons" and "shortfalls" of SCR technology. ██████████ added that OPAR has a "broad base" knowledge of all technology and pollutants including CO2, volatile or non volatile emissions, and other certification issues. ██████████ also said that OPAR monitors permit issues or certification processes for new manufacturing plants on a national scale. ██████████ said it was theoretically

(b) (5)

In response to the inquiry by the Reporting Agents ██████████ described the Clean Air Act Advisory Committee (CAAAC) as the EPA's primary federal advisory committee. ██████████ said ██████████ as known ██████████ on a professional basis as a committee member with the CAAAC. ██████████ described that ██████████ Daimler, an automobile and truck manufacturer of Mercedes-Benz vehicles, and that ██████████ interacts mostly with OTAQ/OAR. ██████████ said ██████████ has brought Daimler representatives to multiple meetings with OAR employees in the past. ██████████ described that Daimler is regulated by EPA vehicle standards and that Daimler had visited OAR at various times prior to the EPA issuing new vehicle standards. ██████████ said Daimler regularly comments on proposed EPA regulations. ██████████ said Daimler must receive certain certifications and permits from the EPA before Daimler can sell their products in the United States. ██████████ said he has only had a professional role with Daimler while present during meetings with OTAQ.

At that point, the interview was terminated and nothing else was discussed.





**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
OFFICE OF INSPECTOR GENERAL**

1301 Constitution Ave NW  
Washington, DC 20004

**CASE #:** OC-KA-2011-CFR-1258

**CROSS REFERENCE #:**

**TITLE:** BRENNER, ROBERT

**CASE AGENT** (if different from prepared by):

**MEMORANDUM OF ACTIVITY**

**NARRATIVE:**

Special Agent (SA) [REDACTED] EPA Office of Inspector General (OIG), Office of Special Review, requested a forensic image of US EPA Employee, ROBERT BRENNER, Office of Air and Radiation, Washington, DC 20004, 202/5647409. BRENNER's Desktop computer is located in Room 5442C in the Ariel Rios Building. The Desktop Hard Disk Drive (HDD) was removed from his workspace with the assistance of SA [REDACTED] on December 15, 2010 at 10:55 A.M. BRENNER was present while the HDD was removed. The HDD was transported to the reporting agent office in EPA West for imaging.

BRENNER's Desktop computer is DELL Optiplex. The computer was turned off by unplugging the power before the HDD was removed. The HDD imaged was a SEAGATE, SATA, 80 GB, and Serial Number [REDACTED]

(b) (7)(E)

[REDACTED] Washington D.C., by the reporting agent. It was entered into evidence in Washington, DC, on December 15, 2010

BRENNER's HDD was replaced in his desktop at 12:55 P.M.. BRENNER was present when the HDD was reinstalled.

**Attachments**

- 1) Photocopies of two HDD's
- 2) Evidence Sheet ( Original sent to SA [REDACTED])



C:\AAA Drive\  
Brenner\dest hdd.pdf



C:\AAA Drive\  
Brenner\suspect hdd.



C:\AAA Drive\  
Brenner\evldence.pdf



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
OFFICE OF INSPECTOR GENERAL  
901 N. 5<sup>TH</sup> STREET  
KANSAS CITY, KS 66101

CASE #: OC-KA-2011-CFR-1258

CROSS REFERENCE #: COMP-2011-38

TITLE: BRENNER, ROBERT D.

CASE AGENT: [REDACTED]

MEMORANDUM OF ACTIVITY

On December 14, 2010, the Reporting Agent took receipt of Lotus Notes e-mails from EPA employee [REDACTED] Special Agent, Office of Investigations, Office of Inspector General, Washington, DC. These documents represented e-mails derived from the EPA government Lotus Notes mailbox belonging to EPA employee, ROBERT D. BRENNER, Director, Office of Policy Analysis and Review, Office of Air and Radiation, Washington, DC. A review of these records was conducted for their evidentiary value and has been attached to the investigative file for permanent retention.

This investigation was initiated on December 6, 2010, after the Office of Inspector General (OIG) received Hotline Complaint referral memorandum #2011-045. The referral had information reporting that BRENNER allegedly received an \$8,000 VIP discount on a new car purchase from Daimler not available to the public.

This analysis revealed BRENNER had communicated with [REDACTED]

[REDACTED] of the many e-mails provided, the following is a sample:

According to the e-mails:

Referred to Agency

RESTRICTED INFORMATION

Page 1

This report is the property of the Office of Investigations and is loaned to your agency; it and its contents may not be reproduced without written permission. The report is FOR OFFICIAL USE ONLY and its disclosure to unauthorized persons is prohibited. Public availability to be determined under 5 U.S.C. 552.

Referred to Agency



This review was completed.

**Attachments:**

1. ROBERT D. BRENNER's Lotus Notes e-mail samples.

Attachments:

1. ROBERT D. BRENNER's Lotus Notes e-mail samples.



e-mail doc  
review.pdf



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
OFFICE OF INSPECTOR GENERAL  
901 N. 5<sup>TH</sup> STREET  
KANSAS CITY, KS 66101

MEMORANDUM OF INTERVIEW

Interview Date:	December 15, 2010
Case Name:	BRENNER, ROBERT D.
Case Number:	OC-KA-2011-CFR-1258
Interviewee:	BRENNER, ROBERT D.
Interview Location:	Washington, D.C.
Interviewed By:	SPECIAL AGENTS [REDACTED]
Witnesses:	N/A

On December 15, 2010, the Reporting Agent attempted to interview EPA employee ROBERT D. BRENNER, Director, Office of Policy Analysis and Review, Office of Air and Radiation, Ariel Rios Building, Room 5442C, Washington, DC. Assisting the Reporting Agent was EPA employee [REDACTED] Special Agent, Office of Inspector General (OIG). The purpose for the interview was to learn from BRENNER the circumstances surrounding how he allegedly received an \$8,000 discount on a new car purchase from Daimler AG, (Daimler), maker of Mercedes-Benz motor vehicles, not available to the public.

BRENNER initially met with the Reporting Agents in the foyer area of his receptionist's office space. The OIG credentials of the Reporting Agents were presented to BRENNER for inspection. After introductions were completed, BRENNER instantly said he was contacted by his attorney and was advised not to speak to anyone. The Reporting Agent told BRENNER he had yet to be told the purpose for the interview. Because other employees were in the immediate area, the Reporting Agent asked BRENNER whether further discussions could be held in his office. BRENNER agreed and led the Reporting Agents to BRENNER's office.

BRENNER said he learned from his attorney that the Department of Justice (DOJ) was monitoring compliance at Daimler and that there were some questions raised by DOJ about Daimler's special discount program. At that point the Reporting Agent read from a form to BRENNER providing him his warning and assurance given to a Federal Employee requested to provide information on a voluntary basis (Garrity advisory). BRENNER said he did not want to currently answer any questions based upon the advice given to him from his attorney. The Reporting Agents provided business cards to BRENNER at his request. BRENNER provided his attorney's contact information as: [REDACTED] Washington, DC (202) [REDACTED]



The Reporting Agents then requested the computer hard drive from BRENNER's EPA desktop government computer. BRENNER consented and further reported that his government issued portable laptop was at his residence. BRENNER added that he rarely conducted any work on his laptop and that it does not have many work products. The Reporting Agents then removed the computer hard drive after confirming that no documents or software were operating on the desktop computer.

The hard drive was imaged at the OIG office and returned to BRENNER within two hours. BRENNER was present during the removal and reinstallation of the hard drive. BRENNER confirmed that his desktop computer was operating properly. Prior to the departure of the Reporting Agents, BRENNER asked if he should cancel his vacation in which he was scheduled to depart town the next day on annual leave and would not be returning to work until January 3, 2011. The Reporting Agents told BRENNER he did not have to alter his annual leave plans.

At that point, the Reporting Agents departed and nothing else was discussed.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
OFFICE OF INSPECTOR GENERAL  
901 N. 5<sup>TH</sup> STREET  
KANSAS CITY, KS 66101

CASE #: OC-KA-2011-CFR-1258

CROSS REFERENCE #: COMP-2011-38

TITLE: BRENNER, ROBERT D.

CASE AGENT: [REDACTED]

MEMORANDUM OF ACTIVITY

On December 7, 2010, the Reporting Agent took receipt via e-mail of Initial Production records from JOHN PEARSON, Trial Attorney, Public Integrity Unit, Department of Justice, Washington, DC (202) 307-2281. These records represented materials obtained from [REDACTED]

[REDACTED] a law firm representing Daimler AG, (Daimler), maker of Mercedes-Benz motor vehicles. These records were reviewed for their evidentiary value and have been attached to the investigative file for permanent retention.

This investigation was initiated on December 6, 2010, after the Office of Inspector General (OIG) received Hotline Complaint referral memorandum #2011-045. The referral had information reporting that EPA employee, ROBERT D. BRENNER, Director, Office of Policy Analysis and Review, Office of Air and Radiation, Washington, DC, allegedly received an \$8,000 discount on a new car purchase from Daimler not available to the public.

According to the records:

[REDACTED] represented that the records were generated as a result of an on-going internal investigation at Daimler after a Daimler employee reported to internal investigators that he/she conducted an act he/she considered contrary to company compliance concerning providing a corporate discount to BRENNER for the purchase of a vehicle. The records revealed case numbers HO-9990 and AL-2010-00312. Daimler categorized the case as an active bribery case and Impartiality of Public Authorities – Corruption. The investigation by Daimler was opened September 22, 2010. The investigation referenced that a VIP discount was given to a government official, specifically BRENNER. According to the records, the Daimler employee [REDACTED]

[REDACTED] he VIP control number to BRENNER who was interested in purchasing an E-Class Diesel. According to the records, [REDACTED]

This analysis revealed [REDACTED] had communicated with BRENNER and with Daimler via e-mail during the evolution of BRENNER purchasing a vehicle. Repeated arrangements via e-mail

were made to Daimler that allowed BRENNER to receive the VIP/MVP discount from Daimler. Of the many e-mails provided, the following is a sample:

On February 16, 2010, [REDACTED] entitles the e-mail as "Car for EPA official" and tells the [REDACTED]

On April 6, 2010, [REDACTED] provides [REDACTED] BRENNER's full identifying information in order to receive the VIP discount authorization number.

On April 7, 2010, Daimler issued the VIP number 892199 and a vehicle invoice for an [REDACTED] 2011 Mercedes-Benz.

On December 6, 2010, [REDACTED] was interviewed, accompanied by [REDACTED] counsel, by Daimler investigators. According to the record of the interview, [REDACTED] admitted [REDACTED] and RENNER have been friends [REDACTED]. Both have socialized and [REDACTED] over the years.

[REDACTED] works for [REDACTED]

[REDACTED] time before the EPA and the [REDACTED] stated that [REDACTED] has requested VIP/MVP numbers on behalf of 15 other people but could not recall if they were government employees. [REDACTED] minimized the statements [REDACTED] made regarding BRENNER's association with EPA certification issues.

This review was completed.

**Attachments:**

1. Initial Production records forwarded by DOJ.

**Attachments:**

1. Initial Production records forwarded by DOJ.



MBUSA -- Initial  
Production.pdf



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
OFFICE OF INSPECTOR GENERAL  
1200 PENNSYLVANIA AVE., NW  
WASHINGTON, DC 20460**

**SECTION 4**

**Correspondence**

**Case Number: OI-AR-2012- CAC- 0060**

**Item:**

**Date:**

Report of Investigation-Short Form	3/15/13
Gibson Dunn	1/23/13
Hogan Lovells LLP	7/26/2011
Trout Cacheris PLLC	7/26/2011
Letter Gibson, Dunn & Crutcher LLP	5/5/2011
OGE Form 202	2/2/2011
Letter DOJ	1/25/2001
Letter DOJ	1/12/2011
Letter DOJ	12/15/2010
Letter Gibson, Dunn & Crutcher LLP	12/7/2010

**RESTRICTED  
INFORMATION**

Page

This report is the property of the Office of Investigations and is loaned to your agency; it and its contents may not be reproduced without written permission. The report is FOR OFFICIAL USE ONLY and its disclosure to unauthorized persons is prohibited. Public availability to be determined under 5 U.S.C. 552.



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
OFFICE OF THE INSPECTOR GENERAL  
OFFICE OF INVESTIGATIONS  
1301 CONSTITUTION AVE, NW  
EPA WEST BUILDING  
WASHINGTON, DC 20004**

**CASE #:** OC-KA-2011-CFR-1258  
**TITLE:** DIRECTOR/OP AR-ROBERT D. BRENNER  
**PREPARED BY:** SPECIAL AGENT [REDACTED]

**SHORT-FORM REPORT OF INVESTIGATION**

**PERIOD COVERED:** DECEMBER 2010 TO FEBRUARY 2013  
**STATUS OF CASE:** CLOSED INVESTIGATION  
**JOINT AGENCIES:** FEDERAL BUREAU OF INVESTIGATION  
**DISTRIBUTION:** ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS

**INTRODUCTION**

**Allegation I:** On December 7, 2010, trial attorneys from the Department of Justice (DOJ), Public Integrity Unit (PIU) reported to the Environmental Protection Agency (EPA), Office of Inspector General (OIG), that Robert D. Brenner (Brenner), Director, Office of Policy Analysis and Review, Office of Air and Radiation (OAR), EPA, Washington, DC, who has since retired, allegedly received an \$8,000 discount, which was not available to the general public, on the purchase of a new Mercedes-Benz from the Daimler AG Corporation. Additional information within the DOJ PIU referral explained that the non-public discount Brenner received was brokered by [REDACTED], in Washington, DC, and external legal counsel to Daimler AG Corporation (Daimler AG). [REDACTED] was also a member of the EPA's Clean Air Act Advisory Committee (CAAAC) (Exhibit 1).

**Allegation II:** On or about August 14, 2012, the Office of Professional Responsibility (OPR), OIG EPA, in accordance with direction provided by the EPA OIG Assistant Inspector General for Investigations, initiated a review of EPA employees, GS-14 and above, within OAR's Immediate Office of the Assistant Administrator, which was Brenner's former office. The specific purpose of this review was to determine if, besides

Brenner, any other high level employees within that office had received non-public discounts on new Mercedes-Benz automobiles (Exhibit 2).

## **DETAILS**

### **Allegation I**

Did Brenner receive a non-public discount of \$8,000.00 on a new Mercedes-Benz automobile?

### **Allegation I Findings:**

**The joint EPA OIG and Federal Bureau of Investigation (FBI) investigation into whether Brenner received a non-public discount of \$8,000.00 on a new Mercedes Benz automobile was declined for criminal prosecution by the Department of Justice and, because Brenner retired from the EPA, further administrative action was moot.**

Special Agent [REDACTED] Office of Investigations, EPA OIG, in conjunction with the FBI, investigated the foregoing allegation and took investigatory actions which included conducting interviews, collecting documentation, and reviewing emails. On December 15, 2010, [REDACTED] attempted to interview Brenner; however, Brenner, citing the advice of his attorney, refused to be interviewed. On August 13, 2011, Brenner retired from the EPA (Exhibit 3).

On September 6, 2011, [REDACTED] met with DOJ trial attorneys John Pearson, PIU, and Nicholas Acker, Fraud Section, Washington, DC, to discuss the results of [REDACTED] investigation, which indicated that Brenner did receive the non-public \$8,000.00 discount at issue. Specifically, [REDACTED] investigation raised allegations of both bribery and the improper acceptance of a gratuity. After the attorneys were briefed, they informed [REDACTED] that the case would be tentatively declined for criminal prosecution. On February 3, 2012, Jack Smith, Chief, PIU, confirmed by letter that the case was declined for prosecution (Exhibit 4).

Because Brenner had retired from the EPA before the criminal investigation was declined for prosecution by the DOJ, the matter was administratively moot and no further investigation or findings were made.

### **Allegation II**

Did any other high level employees within OAR's Immediate Office of the Assistant Administrator receive non-public discounts for new Mercedes-Benz automobiles?

### **Allegation II Findings:**

**The OIG investigation revealed no evidence that OAR employees had received improper, non-public discounts for new Mercedes-Benz automobiles.**

From December 10, 2012, through January 16, 2013, OIG Special Agents conducted interviews of forty-three OAR employees (OAR employees) within the Immediate Office of the Assistant Administrator, the Office of Transportation and Air Quality, and the Office of Air Quality Planning and Standards, who were GS-14 and above. OAR employees were all asked the same five questions and they provided, collectively, the same substantive responses. The specific questions and responses were as follows:

- (1) OAR employees were asked if anyone had ever approached them about receiving gifts, discounts, or rebates of any kind for work related to their EPA position. The OAR employees' collective substantive response was negative;
- (2) OAR employees were asked if they (or any family member, relative, friend) had ever accepted gifts, discounts, rebates of any kind from any entity with a nexus to their EPA positions. The OAR employees' collective substantive response was negative;
- (3) OAR employees were asked whether they (or their family or friends) had received any gifts, discounts, including non-public discounts, or rebates of any kind from the Daimler AG Corporation or any of its subsidiaries, i.e., Mercedes-Benz. The OAR employees' collective substantive response was negative;
- (4) OAR employees were asked whether they knew of any EPA employees who received gifts for what they believed to be from corporations with activities related to any EPA employees' official duties. The OAR employee's collective substantive response was negative;
- (5) The Special Agents asked the OAR employees whether they knew of any EPA employees who had received discounts, rebates, or gifts, for new automobiles from Daimler AG, i.e., Mercedes-Benz. The OAR employees' collective substantive response was negative (Exhibit 5).

On December 28, 2012, the OIG subpoenaed Mercedes-Benz USA and requested documentation pertaining to any of forty-three identified OAR employees or other individuals associated with certain EPA bodies who received a non-public discount. The OIG subpoena also sought documentation concerning whether any EPA employees received discounts through the action of Raher (Exhibit 6).

On January 30, 2013, Mercedes-Benz USA, through its counsel, stated that none of the forty-three OAR employees identified by the OIG received non-public corporate discounts. Counsel further stated no discounts were provided to EPA employees, other than Brenner, as a result of [REDACTED] actions (Exhibit 7).



## **DISPOSITION**

Based on the investigative findings, Brenner received a non-public discount of \$8,000.00 on a new Mercedes-Benz automobile. However, the case was declined by DOJ for criminal prosecution and Brenner retired from the EPA. No evidence was found that any other high level employees within OAR's Immediate office of the Assistant Administrator received non-public discounts from Mercedes-Benz. No further investigative work is anticipated and this case is being administratively closed.

**EXHIBITS:**

1. Case Initiation dated December 8, 2010
2. Memorandum of Activity-Office of Air and Radiation Review Initiation, from August 14, 2012
3. Email from [REDACTED] EPA, dated February 22, 2012
4. Criminal Declination dated February 3, 2012
5. Memorandum of Activity-Office of Air and Radiation Interviews dated February 5, 2013
6. EPA OIG Subpoena Duces Tecum to Mercedes-Benz USA, LLC dated December 28, 2012
7. Letter from Mercedes Benz USA Counsel dated January 30, 2013



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
**OFFICE OF INSPECTOR GENERAL**  
1301 CONSTITUTION AVENUE NW  
EPA WEST ROOM 3428  
WASHINGTON, DC 2004

**MEMORANDUM OF INTERVIEW**

Interview Date(s):	DECEMBER 10, 2012 TO JANUARY 16, 2013
Case Name:	BRENNER, ROBERT D
Case Number:	OC-KA-2011-CFR-1258
Interviewee(s):	MULTIPLE (SEE BELOW)
Interview Location:	1200 PENNSYLVANIA AVE., NW ROOM 5420 WASHINGTON, DC 20460
Interviewed By:	[REDACTED]
Witness:	N/A

From December 10, 2012 through January 16, 2013, Special Agent (SA) [REDACTED] Office Professional Responsibility (OPR), Office of Investigations (OI), Office of Inspector General (OIG), U.S. Environmental Protection Agency (EPA); [REDACTED]

[REDACTED] conducted interviews of the following EPA employees, who work within the Office of Air and Radiation (OAR). All of the EPA OAR employees, who were interviewed, were provided Kalkine administrative warnings, which they signed. Further, the EPA OAR employees were provided a voluntary non-disclosure form to review, which many chose to sign [Attachments 1, 2]. The following forty-three EPA OAR employees were interviewed:

OAR EPA EMPLOYEES INTERVIEWED		
INTERVIEW DATE	NAME	POSITION
12/11/12	Regina McCarthy	Assistant Administrator
12/10/12	Janet McCabe	Principal Deputy Assistant Administrator
12/10/12	[REDACTED]	[REDACTED]
12/10/12	[REDACTED]	[REDACTED]

**RESTRICTED INFORMATION**

This report is the property of the Office of Investigations and is loaned to your agency; it and its contents may not be reproduced without written permission. The report is FOR OFFICIAL USE ONLY and its disclosure to unauthorized persons is prohibited. Public availability to be determined under 5 U.S.C. 552.

12/11/12		
12/13/12		
12/13/12		
12/11/12		
12/10/12		
12/13/12		
12/11/12		
12/12/12		
12/12/12		
12/11/12		
12/11/12		
12/11/12		
12/11/12		
12/11/12		
12/11/12		
12/11/12		
12/11/12		
12/12/12		
12/12/12		
12/12/12		
12/11/12		
12/11/12		
12/12/12		
12/11/12		
12/12/12		
12/11/12		
12/12/12		
12/17/12		
12/11/12		
12/12/12		
12/11/12		
12/12/12		
12/11/12		
12/17/12		
12/17/12		
12/17/12		

12/17/12			
12/17/12			
1/14/13			
1/16/13			

## QUESTIONS AND RESPONSES:

The SAs individually interviewed all of the foregoing EPA OAR employees. The EPA OAR employees were asked the same five questions and they provided, collectively, the same substantive responses. The specific questions and responses are as follows:

The EPA OAR employees were asked if anyone had ever approached them about receiving gifts, discounts, or rebates of any kind for work related to their EPA position. The EPA OAR employees' collective substantive response was negative.

The EPA OAR employees were asked if they (or any family member, relative, friend) had ever accepted gifts, discounts, rebates of any kind from any entity with a nexus to their EPA positions. The EPA OAR employees' collective substantive response was negative.

The EPA OAR employees were asked whether they (or their family or friends) had received any gifts, discounts, or rebates of any kind from the Daimler AG Corporation or any of its subsidiaries, i.e., Mercedes Benz. The EPA OAR employees' collective substantive response was negative.

The EPA OAR employees were asked whether they knew of any EPA employees who received gifts, for what they believed to be, from corporations with activities related to any EPA employees' official duties. The EPA OAR employees' collective substantive response was negative.

The SAs asked the EPA OAR employees whether they knew of any EPA employees who had received discounts, rebates, or gifts, for new automobiles from Daimler AG, i.e. Mercedes Benz. The EPA OAR employees' collective substantive response was negative.

## Attachments:

1. Signed Administrative Warnings for EPA OAR employees, case OC-KA-2011-CFR-1258.
2. Signed Non-Disclosure Forms for EPA OAR employees, case OC-KA-2011-CFR-1258.

**Attachments:**

1. Signed Administrative Warnings for all EPA OAR employees who were interviewed by the EPA OIG regarding case OC-KA-2011-CFR-1258.

Administrative  
Warnings - OC KA 20

2. Signed Non-Disclosure Forms for EPA OAR employees, case OC-KA-2011-CFR-1258.

Non Disclosure  
OC-KA 2011 CFR 125

---



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
OFFICE OF INSPECTOR GENERAL  
1200 PENNSYLVANIA AVE., NW  
WASHINGTON, DC 20460**

**SECTION 5**

**Support**

**Case Number: OC-KA-2011-CFR-1258**

**Item:**

**Date:**

Evidence Custody: Indexed copies emails produced by [REDACTED]	1/16/2013
Subpoena duces tecum	12/28/12
CDs (PDF of Binder; Brenner Files (1 of 2); Brenner Files (2 of 2); [REDACTED] Billing Records; [REDACTED] First Production	

**RESTRICTED  
INFORMATION**

Page

This report is the property of the Office of Investigations and is loaned to your agency; it and its contents may not be reproduced without written permission. The report is FOR OFFICIAL USE ONLY and its disclosure to unauthorized persons is prohibited. Public availability to be determined under 5 U.S.C. 552.



*Property*  
**Evidence Custody**

WFO  
5-1695

1. Case Title <i>Brennan, Robert</i>		2. Case Number <i>OC-KA-211- CFR-125B</i>	3. Date <i>12/13/10</i>	4. Book-Page <i>116108</i>
5. Office Location (Complete Address) <i>901 N. ST. ST KCKS</i>				
6. Description of Article <i>Indexed copies of E-mails produced by [REDACTED]</i>				
7a. Received From: [REDACTED]		7b. Taken From: [REDACTED]		7c. Found At: [REDACTED]
8a. Received by: [REDACTED]		8b. Signature [REDACTED]		9. Witness (Signature) [REDACTED]
10a. Date	10b. Chain of Custody	10c. Purpose of Custody Change		
	[REDACTED]	In support of investigations may be destroyed (a) Conclusion of Investigation.		
<i>8/9/12</i>	[REDACTED]	Ship TO [REDACTED]		
<i>1/10/13</i>	[REDACTED]	<i>Hold due to Retirement. Transfer Special Agent to new case agent</i>		
<i>1/10/13</i>	[REDACTED]	<i>Case agent. Transfer to evidence custodian. marked for ID "1/10/13" "CMG" "1133"</i>		
<i>16 Jan 13</i>	[REDACTED]	Enter into Evidence		
<i>19 Jan 13</i>	[REDACTED]	Transfer to case agent for final disposition		
11. Final Disposition Item(s) described in 6. may be disposed of in the following manner: <input type="checkbox"/> Release to owner or other <input checked="" type="checkbox"/> Destroy (See below) <input checked="" type="checkbox"/> Other (Specify) <i>retained w/ case file.</i>				
Name [REDACTED]		Date <i>9/19/13</i>		
Signature [REDACTED]		Signature of Witness [REDACTED]		Date [REDACTED]





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

DEC 28 2012

CUSTODIAN OF RECORDS  
Mercedes Benz USA, LLC  
One Mercedes Drive  
P.O. Box 350  
Montvale, NJ 07645

OFFICE OF  
INSPECTOR GENERAL

Dear Sir or Madam:

Pursuant to section 6(a)(4) of the Inspector General Act 1978, 5 U.S.C. app. 3, the Inspector General has issued the enclosed subpoena *duces tecum*, which is needed in support of an investigation of possible violations of federal ethics laws. The materials identified in Appendix A to the subpoena should be sent, via registered mail, on or before January 16, 2013, to Special Agent [REDACTED], an official of the Office of Inspector General, U.S. Environmental Protection Agency, Ariel Rios Building, 1200 Pennsylvania Avenue, N.W., Mail Code: 2423P, Washington, DC 20460.

Fully legible and complete copies of the records called for by the subpoena will be accepted in response to the subpoena, provided that the original records will be made available to officials of the Office of Inspector General, upon request, during normal business hours. Original records are required if so specified in the subpoena.

You must also complete and return the enclosed Statement of Compliance. If for any reason any of the required materials are not furnished, please list and indicate the location of such materials and the reason for non-production. It would also be helpful for you to provide us with a list identifying each document or other material furnished, and the item or items of the subpoena to which it relates.

Should you have any questions concerning the subpoena or the materials that you must produce, you may contact Associate Counsel Lori Ruk at (202) 566-1287.

Sincerely,

A handwritten signature in black ink, appearing to read "Alan Larsen".

Alan Larsen  
Counsel to the Inspector General

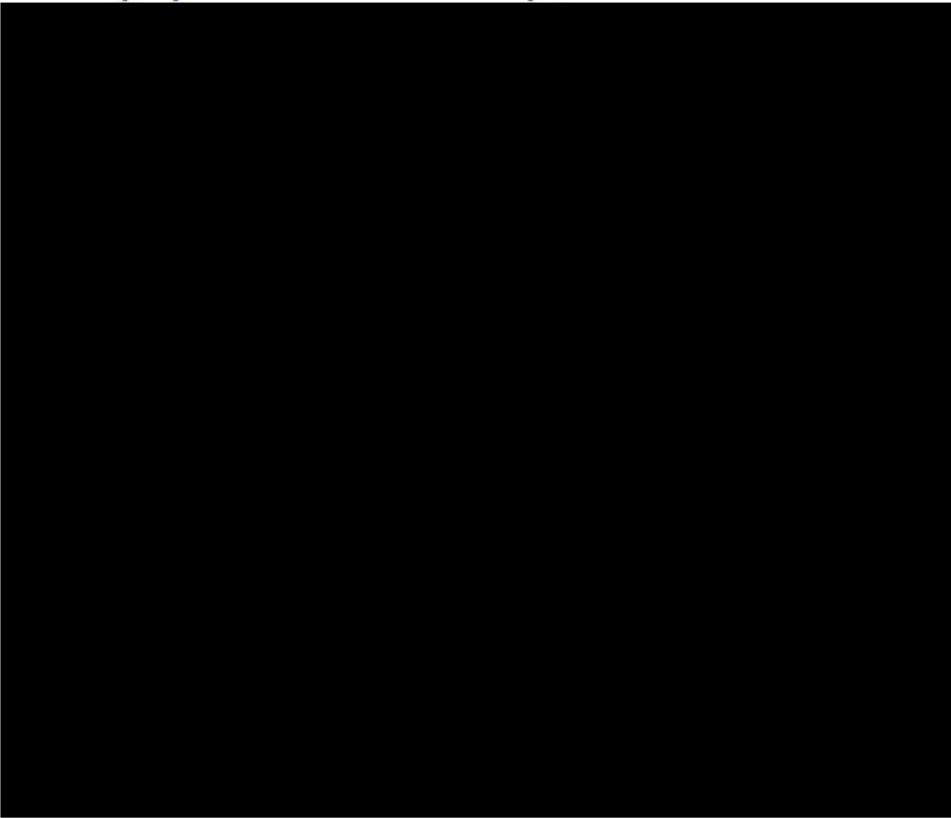
Enclosures (2)

## APPENDIX A

### DESCRIPTION OF RECORDS

Any information, documents, reports, records, logs and other data and documentary materials including electronically stored data, in the custody, possession or control of **MERCEDES-BENZ USA, LLC (MBUSA) part of DAIMLER AG** for the period from **January 1, 2008**, through **November 30, 2012**, regarding the following:

1. Any documentation pertaining to the U S. Environmental Protection Agency (EPA) personnel listed below, any individuals identified as an employee of EPA's Office of Air and Radiation (OAR), and individuals identified as a member of the EPA's Clean Air Act Advisory Committee (CAAAC), who received discounts from MBUSA as part of MBUSA's discount programs which were not available to the general public, including any Very Important Person (VIP)/MVP discount programs or discount programs specifically for United States Federal government employees. "Documentation" includes, but is not limited to, all correspondence or evidence of communications, both in electronic and hard copy, regarding the discount provided, and documentation of the purchase of MBUSA vehicles using the discount, e.g., invoices, receipts, purchase orders, and audit reports.



2. Any documentation pertaining to EPA personnel who received MBUSA discounts through coordination or reference to [REDACTED] Washington, D.C. MBUSA discounts include programs which were not available to the general public, to include any VIP/MVP discount programs or any like discount programs specifically for United States Federal government employees.

### Statement of Compliance

I, \_\_\_\_\_, was served with a subpoena *duces tecum* issued by the  
Inspector General of the United States Environmental Protection Agency, on

\_\_\_\_\_  
(Date)

In good faith, I have made a diligent search of all materials in my possession, custody, or control and have provided the materials, as listed in the attachment to this statement, in response to the subpoena. The materials provided are genuine, complete, and in full compliance with the request for materials made in the subpoena.

I state under penalty of perjury that the foregoing is true and correct.

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Name)

\_\_\_\_\_  
(Title)

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(City and State)

WITNESS:

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Name and Title)

\_\_\_\_\_  
(Date)


## REQUEST FOR STANDARD SUBPOENA

December 28, 2012

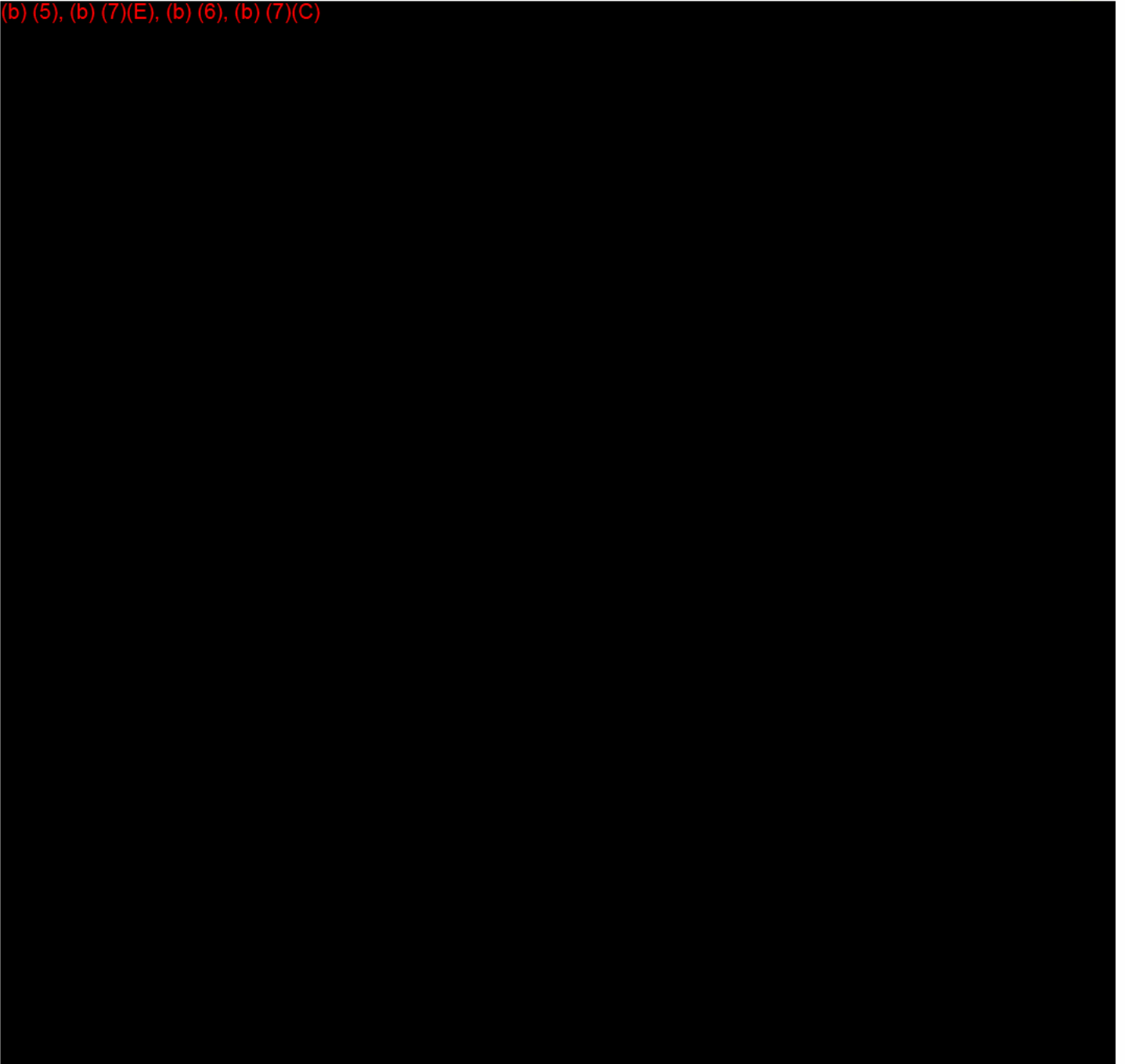
**MEMORANDUM FOR:**

Arthur A. Elkins, Jr.  
Inspector General

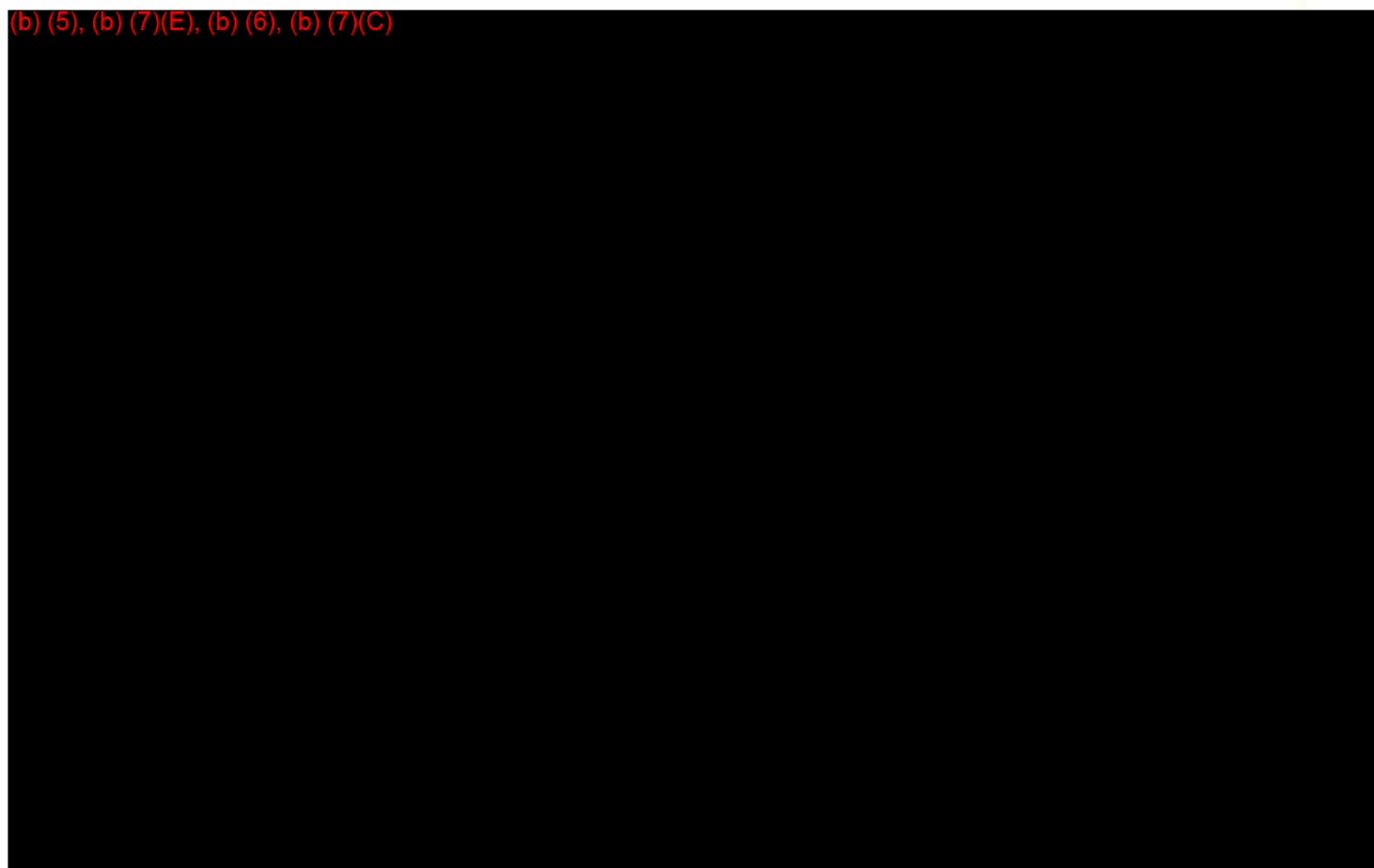
**FROM:**

  
Special Agent  
Office of Professional Responsibility

(b) (5), (b) (7)(E), (b) (6), (b) (7)(C)

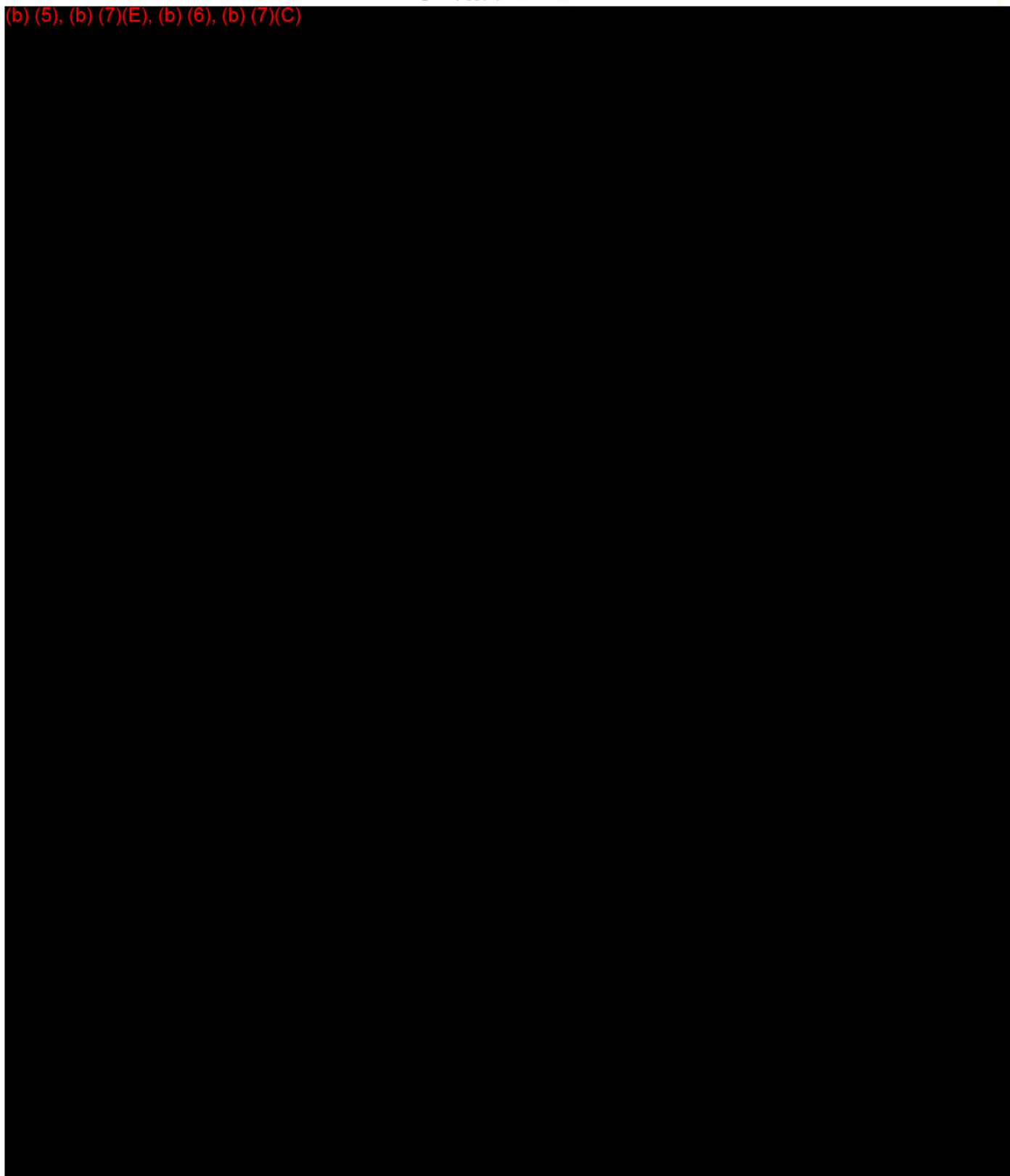


(b) (5), (b) (7)(E), (b) (6), (b) (7)(C)

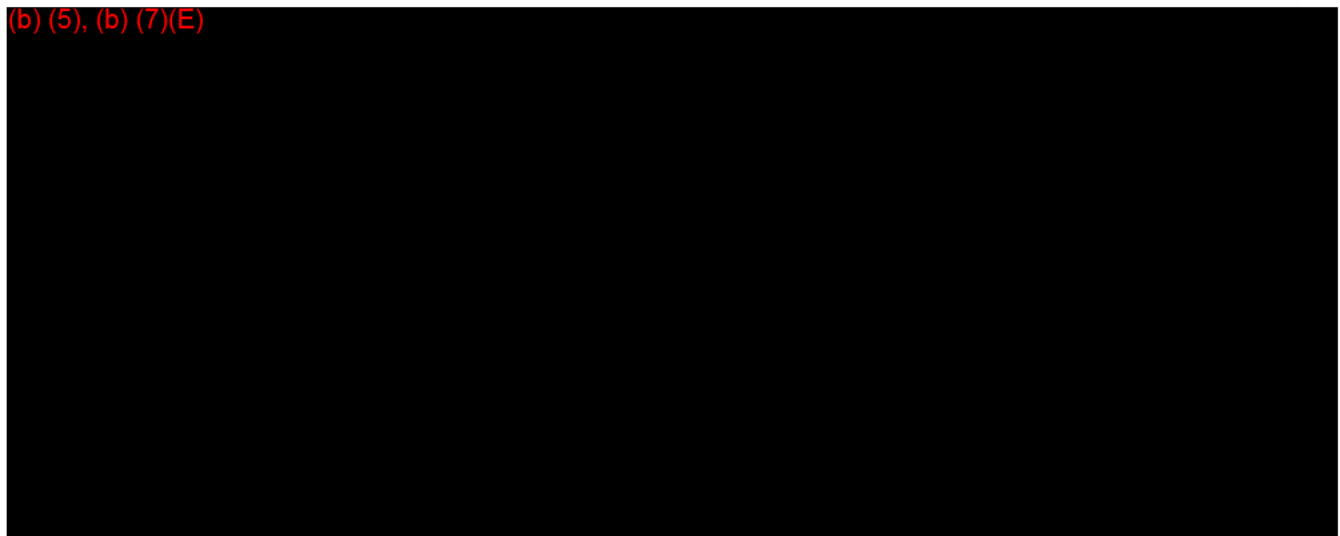


**ATTACHMENT A**

(b) (5), (b) (7)(E), (b) (6), (b) (7)(C)



(b) (5), (b) (7)(E)

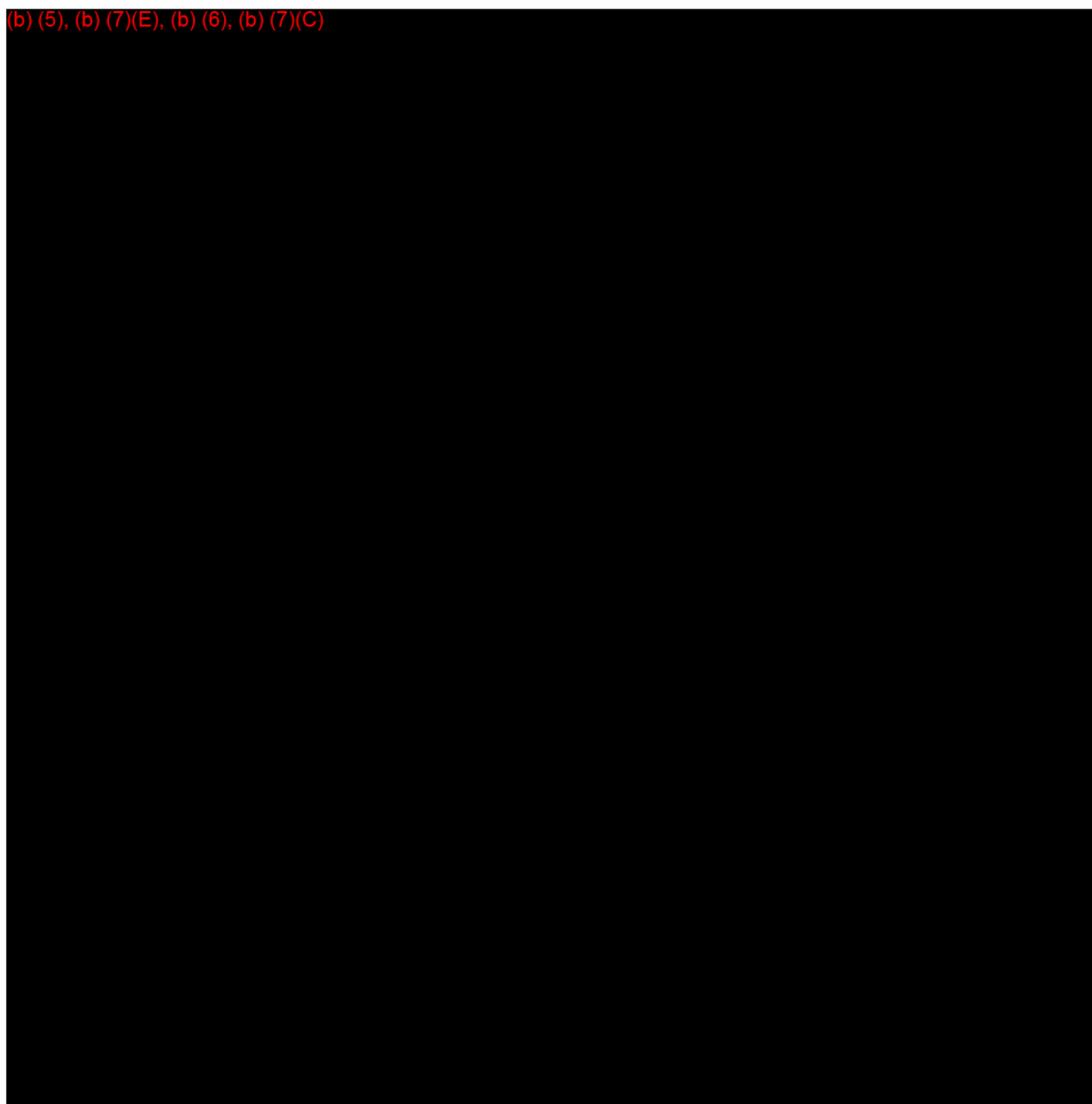


---

<sup>1</sup> Department of Justice, Office of Public Affairs, **Daimler AG and Three Subsidiaries Resolve Foreign Corrupt Practices Act Investigation and Agree to Pay \$93.6 Million in Criminal Penalties**, April 1, 2010, <http://www.justice.gov/opa/pr/2010/April/10-crm-360.html>

## **ATTACHMENT B**

(b) (5), (b) (7)(E), (b) (6), (b) (7)(C)





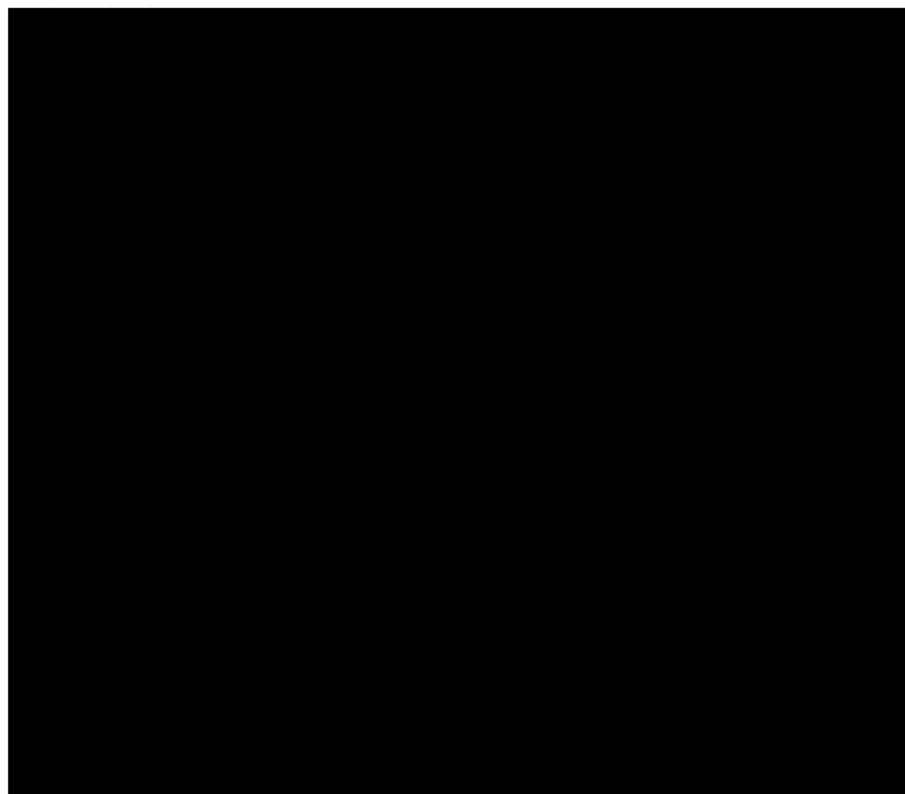
( [REDACTED]  
b [REDACTED]  
) [REDACTED]  
( [REDACTED]  
b [REDACTED]  
) [REDACTED]

## APPENDIX A

### DESCRIPTION OF RECORDS

Any information, documents, reports, records, logs and other data and documentary materials including electronically stored data, in the custody, possession or control of **MERCEDES-BENZ USA, LLC (MBUSA) part of DAIMLER AG** for the period from **January 1, 2008, through November 30, 2012**, regarding the following:

1. Any documentation pertaining to the U.S. Environmental Protection Agency (EPA) personnel listed below, any individuals identified as an employee of EPA's Office of Air and Radiation (OAR), and individuals identified as a member of the EPA's Clean Air Act Advisory Committee (CAAAC), who received discounts from MBUSA as part of MBUSA's discount programs which were not available to the general public, including any Very Important Person (VIP)/MVP discount programs or discount programs specifically for United States Federal government employees. "Documentation" includes, but is not limited to, all correspondence or evidence of communications, both in electronic and hard copy, regarding the discount provided, and documentation of the purchase of MBUSA vehicles using the discount, e.g., invoices, receipts, purchase orders, and audit reports.



2. Any documentation pertaining to EPA personnel who received MBUSA discounts through coordination or reference to [REDACTED] Washington, D.C. MBUSA discounts include programs which were not available to the general public, to include any VIP/MVP discount programs or any like discount programs specifically for United States Federal government employees.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
OFFICE OF INSPECTOR GENERAL  
WASHINGTON, DC

SUBPOENA DUCES TECUM

TO: CUSTODIAN OF RECORDS  
Mercedes-Benz USA, LLC  
One Mercedes Drive  
P.O. Box 350  
Montvale, NJ 07645

**YOU ARE COMMANDED TO SEND VIA REGISTERED MAIL, on or before January 16, 2013,** the items described in Appendix A, to Special Agent [REDACTED], an official of the Office of Inspector General, U.S. Environmental Protection Agency, Ariel Rios Building, 1200 Pennsylvania Avenue, N.W., Mail Code: 2423P, Washington, DC 20460.

The Inspector General needs these materials in the performance of the duties and responsibilities assigned by the Inspector General Act of 1978, Public Law 95-452, as amended, 5 U.S.C. app. 3, to conduct, supervise, and coordinate audits and investigations relating to the programs and operations of the Environmental Protection Agency; to promote economy, efficiency, and effectiveness in the administration of such programs and operations; and to prevent and detect fraud and abuse in such programs and operations.

IN TESTIMONY WHEREOF, the undersigned has caused the seal of the Environmental Protection Agency to be affixed to this subpoena at Washington, D.C., this

28th day of December, 2012



Charles J. Elkins (for AE)  
Arthur Elkins  
Inspector General

### RETURN OF SERVICE

I hereby certify that I served a copy of this subpoena on the person named herein by -

1. delivering it in person to:

Name

Title

Address 1015 15th St NW, Suite 1270

Washington DC 20005

2. leaving it at the principal office or place of business, namely:

Description of premises

Address

3. mailing it by certified mail, return receipt requested, and first class mail to:

Name

Title

Address

Signature

Name of server

Title

Date

### ACKNOWLEDGMENT OF SUBPOENA RECEIPT

I hereby acknowledge that a copy of this subpoena was served upon me.

Signature

Name

Title

Date

### UNITED STATES OF AMERICA ENVIRONMENTAL PROTECTION AGENCY OFFICE OF INSPECTOR GENERAL

SUBPOENA DUCES TECUM

